

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans Link

September 22, 2020

CONVENE: 9:01 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (arrived at 9:24 a.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 10:34 a.m.)

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

Kate Griffiths, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Trinette Furtado, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Ipo Mossman, Executive Assistant, Office of the Mayor
Caleb Rowe, Deputy Corporation Counsel, Department of the
Corporation Counsel
Eric Nakagawa, Director, Department of Environmental
Management
Don Couch, Executive Assistant, Office of the Mayor

OTHERS: Carl Rozycki
Tim Helle
Poka Laenui
Michele Heile

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Pamela Martin
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for Tuesday, September 22nd is now in session. The time is one minute after the hour of 9:00 a.m. I'm Mike Molina, Chair of the Committee. And let's do a Council roll call to see who's here with us. Let's go out to East Maui and check in on Mr. Sinenci. Good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair. Morning to everyone.

CHAIR MOLINA: Morning to you.

COUNCILMEMBER SINENCI: Aloha.

CHAIR MOLINA: And...thank you. And nice shirt, by the way. And let's go out to Wailuku and see our Chair. Good morning, Chair Alice Lee.

COUNCILMEMBER LEE: Mr. Chair, buongiorno. This is all the way from the boot of Italy.

CHAIR MOLINA: All right. Buongiorno back to you, Madam Chair. And let's go out to South Maui. Good morning. Nice to see you, Councilmember King.

COUNCILMEMBER KING: Buongiorno. Good morning, everybody. It's beautiful here in South Kihei today.

CHAIR MOLINA: All right. Sounds great. And let's go out to West Maui. Good morning, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, live and direct from the Old Lahaina Center.

CHAIR MOLINA: All right. Good morning to you too. And let's take a trip across the pond to Moloka'i and see our Committee Vice-Chair. Councilmember Rawlins-Fernandez, good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair and buongiorno kakou.

CHAIR MOLINA: Buongiorno kakou.

COUNCILMEMBER LEE: That's cute.

CHAIR MOLINA: Back to you. We have a nice mixture of culture and language here. I love it. And I've been told that Councilmember Sugimura will be running a little bit late this morning. Councilmember Hokama, I believe, is having some network issues, but

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will try to join us on the phone, if I'm correct. Staff, can you confirm that for me with regards to Mr. Hokama?

MS. ESPELETA: Yes, Mr. Chair, you are correct. He is experiencing some issues, and will be signing on momentarily.

CHAIR MOLINA: Okay. Great. And then let's go see how the neighborhood is doing in Central Maui in Kahului. Good morning, Member Kama.

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

CHAIR MOLINA: Okay. Fantastic. And by the way, can you turn on your camera? We can hear you fine, but...

COUNCILMEMBER KAMA: I'm trying to do that right now. I'm having problems turning on the camera.

CHAIR MOLINA: Oh, boy, sounds like...

COUNCILMEMBER KAMA: Because I just got off of one platform and I'm trying to do another platform with this morning, so...but I'll be there.

CHAIR MOLINA: Oh, okay. Okay. All right.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: It sounds like we're having a technological epidemic going on here with our computers, so we'd like to ask everybody to please bear with us as we try to navigate through all this, but thank you for joining us nonetheless.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: With us we have our Committee Staff. We have Legislative Analyst Ms. Shelly Espeleta; Support Staff, Ms. Jean Pokipala; Legislative Analyst Kasie Apo Takayama; Legislative Attorney James Forrest; and our hardworking Committee Secretary Pauline Martins joining us as well. We've invited, from Corporation Counsel, Mr. Caleb Rowe and Gary Murai. And joining us shortly will be Mr. Mossman from the Mayor's office, as well as the Director of Environmental Management, Mr. Nakagawa. Today we have four items on our agenda today. And before we do that though, we're going to do public testimony. Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link at [bluejeans.com 551273481](https://bluejeans.com/551273481) as noted on the agenda. Testifiers wanting to provide audio testimony can participate via phone conference by dialing 1-408-915-6290 and entering the meeting code that was mentioned to you earlier. The Committee intends to keep the same meeting link and phone number for future GET meetings for the ease and convenience of you, Members,

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as well as the public. And written testimony is highly encouraged by sending your comments to get.committee@mauicounty.us. Today we're going to limit oral testimony for three minutes, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. And please don't forget, when you testify, please state your full name, and if you're testifying on behalf of an organization or if you are a paid lobbyist, please be sure to inform the Committee of that. And please be mindful, don't use the chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. And also, while testifying please be courteous by turning off your video and muting your microphone while waiting for your turn to testify. So again, those of you would like to also view the meeting without giving testimony, you can check out Channel 53 on *Akaku TV*. And again, as I said earlier, if we do have some technological glitches, please be patient with us. So I've said a mouthful, so if there is no other comments from the floor, I'd like to proceed with oral testimony. So Ms. Espeleta, can you call up our first testifier.

MS. ESPELETA: Yes, Mr. Chair. Your first testifier, I have an individual signed on as Carl and I'm going to spell his last name, Rozyckl. Please unmute yourself and begin your testimony, the items that you wish to testify on, and if you represent any organization or are a lobbyist.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. Good morning, Mr. Carl. I apologize, I think I'd rather hear you first pronounce your last name and then we'll go from there. Carl, are you there?

MS. ESPELETA: I believe he needs to unmute on his end. I tried unmuting him on my end.

CHAIR MOLINA: Okay. Carl, if you're listening, please try to unmute yourself as best you can. Okay. It seems like we may have some technical glitches on that end. You know what, Ms. Espeleta, let's go on to our next testifier, and we can come back to Mr. Carl at a later point.

MS. ESPELETA: Yes, Mr. Chair. Your next testifier is Tim Helle. Tim Helle, please identify the items you wish to testify on, and the organizations that you're representing.

CHAIR MOLINA: Okay. Mr. Helle, good morning.

MS. ESPELETA: Mr. Chair, it looks like he left the call as well.

CHAIR MOLINA: Okay. So I guess that individual will not be testifying soon. Let's go on to our next testifier while we wait to hear from Mr. Carl.

MS. ESPELETA: Moving on to your next testifier signed in with the last four digits 2581. 2581, please unmute yourself, identify the items you wish to testify on, and whether you are representing any organization or are a lobbyist.

CHAIR MOLINA: Okay. Good morning, testifier 2581. Please go ahead with your testimony.

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MS. ESPELETA: And unmute yourself with star four, please.

CHAIR MOLINA: Okay. Testifier 2581, are you there?

MS. ESPELETA: He just unmuted.

CHAIR MOLINA: Okay. Here we go.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. MARTIN: Good morning.

CHAIR MOLINA: Good morning.

MS. MARTIN: I'm not sure what the item number is. It is for the farmers' relief grant. Is this the one?

CHAIR MOLINA: No, I don't believe we have any items on this agenda for GET with the farmers' relief grant. Staff, can you confirm that?

MS. TAKAYAMA: Mr. Chair?

MS. MARTIN: Micro grant?

MS. TAKAYAMA: That's part of the EACP Committee this afternoon.

MS. MARTIN: Oh, sorry. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: At 1:30 p.m.

MS. MARTIN: Thank you. Have a pleasant day. Thank you.

CHAIR MOLINA: Yeah, that's for...okay. Thank you for participating nonetheless. Thank you. Okay, staff let's go ahead with our next testifier.

MS. ESPELETA: Yes, Mr. Chair. Your next testifier is signed in with the last four digits 4614. Please unmute yourself by pressing star four, and identify which items you wish to testify on today.

CHAIR MOLINA: Okay. Testifier 4614, good morning. Please proceed with your testimony.

MR. LAENUI: Yes. Aloha Members of the Council. My name is Poka Laenui, and I'm calling to testify on the resolution with regards to non-discrimination against Hawaiian nationals. I will not...I assume you can hear me?

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

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MR. LAENUI: Yeah, okay. Yeah, I won't repeat somewhat an extensive submission that I have made to your Committee, other than to thank you all for allowing this to be brought before your Committee, and that I think it's a serious matter. In general, what we have is this discrimination against Hawaiian Nationals, people such as myself who believe that we cannot appropriately claim to be U.S. citizens, especially given our understanding of the history of Hawaii, the illegality of the overthrow. And yet because of that belief, we are consistently discriminated against in the many ways that the resolution sets out that discrimination to be. Some people say, hey, all you got to do is just say that you are an U.S. citizen, and that's it, you got no further problems. But that is a problem. It's like asking a person to simply claim that they are Christians, and so the Jews won't be discriminated against. Or to ask a person to identify as a male rather than a female, and then there will be no further discrimination against that person. That is not an appropriate solution to the issue of discrimination. People with our beliefs are appropriate, are legitimate. We have a firm foundation for that belief. The U.S. Government has itself confessed, in their apology Resolution 103-150, confessing to the illegality of the overthrow. And we take that as a serious confession, yet we are asked to accept the imposition of a foreign citizenship upon us, which itself is a violation of the Universal Declaration of Human Rights, which says that no person shall have their nationality arbitrarily changed. And that's exactly what they did to the Hawaiian Nationals. Without our voting to be part of the United States, they came in and they said all citizens of Hawaii...I'm sorry, all citizens of Hawaii are automatically citizens in the United States. We reject those domestic laws of the United States, which are essentially foreign laws imposed upon us. Why? Because they have the guns. Because they have the military force, and force us to abide by those laws. The County of Maui can take a position. Although the problem is statewide, but it also affects Maui. Maui decides, for example, who drives on Maui's streets. They handle the licensing on Maui. And yet our Hawaiian Nationals are not permitted to get a driver's license because we will not say we are American citizens. We cannot fly in and out of Maui . . . *(timer sounds)* . . .

CHAIR MOLINA: I'm sorry, Mr. Laenui. Your time is up, but you can wrap up in the next 30 seconds. Proceed.

MR. LAENUI: Okay. And so basically, there's many specific examples of discrimination that we run into on a daily basis, and I believe that the County should undertake responsibility and stop any discrimination to the extent it can. What we're calling for is merely an investigation, calling for a group to investigate and to make proposals on what Maui can do. So I think that terminates my testimony. Thank you very much for allowing me to testify.

CHAIR MOLINA: Okay. Mahalo, Mr. Laenui, for your testimony. I'm going to open up on the floor for any of the Members who might want to ask you a question with regards to your testimony. Members, questions for Mr. Laenui? Chairman Lee.

COUNCILMEMBER LEE: Yes. Hello, Mr. Laenui. As a Hawaiian National...

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MR. LAENUI: Hello.

COUNCILMEMBER LEE: As a Hawaii National, do you also consider yourself obligated or having standing in the United States in Hawaii on Maui?

MR. LAENUI: I would have standing only as a defendant if I am brought into the jurisdiction. Let's say, standing for...usually we talk about standing for court purposes. So as a Hawaiian National, if I am being accused of a crime, I have a right to defend myself under both the U.S. Constitution and under the Hawaii Constitution. But broader than that, I have the right to defend myself in accordance with the Universal Declaration of Human Rights and all of the international law claims that I can defend myself in. So it would be dependent on what I would be bringing forth. If some of my civil rights are being violated, then I would have to examine what is the appropriate standing I would have based on those civil rights. So right now, unless I have a specific case, I would not be able to determine if I have or have not standing.

COUNCILMEMBER LEE: Mr. Chair, can I have a real quick follow-up question? Mr. Laenui, I wasn't really asking about if there was a crime committed, but like, for instance, do you feel a need to pay real property taxes, for example?

MR. LAENUI: No. I would not pay real property taxes voluntarily, nor would I finance my colonization by paying Federal or State income taxes. Because what it is, is essentially a hijacking. If I don't pay to the colonizer, then I will be punished. First of all, it's supposed to be a voluntary system of . . . (*audio interference*). . . and yet, if we don't pay, then we have violated...they will take our money and they will throw us in jail. I think that's a discriminatory practice. With regards to real property tax, it falls in somewhat a different category because the Counties do provide necessary services to service the real property, such as, of course, as you are well aware of, the garbage pick-ups and other County services, so that, I do not have as much objection. And I do pay real property taxes. I'm on Oahu, and so I pay those real property taxes. But to finance, for example, the Federal Government, I will not, and I have not, for many years, about 30-plus years, refusing to file or pay income taxes.

COUNCILMEMBER LEE: Thank you. Thank you.

MR. LAENUI: You're welcome.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Members, any other need to clarify Mr. Laenui's testimony? Okay. Seeing none. Mahalo for your testimony, Mr. Laenui.

MR. LAENUI: Okay. Thank you for having...

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci had his hand up, Chair.

CHAIR MOLINA: Oh, I'm sorry. You know what, Mr. Laenui, hang on, we have a Member who has a question. I'm sorry, Mr. Sinenci.

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VICE-CHAIR RAWLINS-FERNANDEZ: And his name is Mr. [Lie-noo-e], not [Lan-oo-e].

CHAIR MOLINA: Oh, it's Laenui.

MR. LAENUI: Yes. Laenui, that's correct.

CHAIR MOLINA: Laenui. Okay. My apologies. Okay. Mr. Sinenci, proceed.

COUNCILMEMBER SINENCI: Mahalo, Chair. And thank you, Mr. Laenui, for your testimony today. I just had a quick question. So today before us we have the Resolution GET-58, urging the Native Hawaiian Convention to convene a working group to develop strategies to create Hawaiian nationalities. So do you support this, and do you think...would this be a step within local government to address some of the issues that you had shared this morning?

MR. LAENUI: Yes, I believe it would. The Native Hawaiian Convention, as you may already know, is an elected body. And you have, from Maui, a number of people who had been elected, and who have been very active participants in the Native Hawaiian Convention. Now, because...if Maui adopts this as a County Council Resolution to study what Maui can do, I act as a Chairperson of the Convention at the present time, and I would be sort of persuaded to appoint the members who are the Maui delegates to the Convention to sit on this body to begin the study. Of course, with others that it would be included according to the Resolution. But, so that their recommendation would be specific to Maui, with some implications to what the State should be doing, but addressing the particular Maui issue, and how Maui chooses to address their Hawaiian Nationals.

COUNCILMEMBER SINENCI: Mahalo, Mr. Laenui. Thank you for those comments. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. We have a question now from Councilmember Paltin. Proceed.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Laenui. My question was, you know, if you're...that you are in support of the Resolution, I was wondering about the Part 3(a), (b) and (c) specifically, about the definition of Hawaiian Nationals, and I guess, (a) all Native Hawaiians, as defined by a direct lineal ancestry who resided in the Hawaiian islands prior to the year 1778, that makes sense; (b) okay; and (c) I'm wondering, it says all persons born in Hawaii, and other individuals who have been a resident of Hawaii for a continuous period of five years immediately prior in declaring oneself a Hawaiian National. I just was wondering about that five years prior to, like if you had any idea about why five years prior was chosen, or your thoughts on that.

MR. LAENUI: Yes. Sure. First of all, I wanted to get across the idea that a Hawaiian National is not limited to race. This is not a racial issue, it's an issue of nationality. And the question then becomes, who are the Hawaiian Nationals? They are the citizens of subjects of the Hawaiian Nation, or who would be citizens or subjects of the

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Hawaiian Nation, had there not be an interference with our exercise of self-determination. So the rules that you see there are essentially the rules of the Hawaiian Government which allowed people who had been in Hawaii for at least five years, and pledged their allegiance and loyalty to the King or the Queen, who then were able to convert their citizenship to become Hawaiian citizens. What happens is that when one does that, the policy of the United States and many other countries is that you cannot be citizens of two countries at the same time. And so they would say, I'm not a U.S. citizen, I'm a Hawaiian citizen. And the five year was the term that was set in the Hawaiian law prior to the invasion. So if we try to, as fairly as possible, move back the time period and allow people...because we have many people who for generations have been in Hawaii, many of our haole residents are teaching us the Hawaiian language, as an example. We have many Chinese who are very loyal to the Hawaiian Nation. One person out of Maui, and he has passed on recently, his name was A.K. Chong, one of the oldest graduate of Lahainaluna High School. He was a very loyal Hawaiian Nationalist. But the fact is that they were part of Hawaii, they were more than willing to change their nationality to be Hawaiian Nationals, but there was no room, by the laws that are now in existence. And what we're saying is that this is our definition of what a Hawaiian National is. Whether you've been here all your life, one-third of your life, five years, then you have the opportunity to make the declaration.

COUNCILMEMBER PALTIN: Thank you, Mr. Laenui. That makes a lot more sense to me. I wasn't aware of that criteria rooted in Kingdom Law. Thank you. Thank you, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Laenui. Nice to see you...or hear you.

MR. LAENUI: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: So we served on the 2016 `Aha, so that was the Native Hawaiian Convention together, and...

MR. LAENUI: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: So, yeah. So this convention, this Native Hawaiian Convention you're talking about preceded the 2016 convention, and I believe it was in 2002; is that correct?

MR. LAENUI: Yes, yes. You're correct. The `Aha that you're talking about, sometimes we call it the Na'i Aupuni Convention, the 2016 one. The one I'm talking about...

VICE-CHAIR RAWLINS-FERNANDEZ: Right. This one that the Resolution is referring to is the one that convened in 2002, correct?

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MR. LAENUI: Actually, I think it was before that, 1997 or 1998.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. I wanted to get the year correct. And --

MR. LAENUI: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- in the fifth whereas clause, it talks about annexation. I wasn't sure if that was something that you supported having in the whereas clause.

MR. LAENUI: I'm sorry, I don't have the document right in front...

VICE-CHAIR RAWLINS-FERNANDEZ: The Resolution. Okay. All right.

MR. LAENUI: Do you mind...

VICE-CHAIR RAWLINS-FERNANDEZ: It's something I was going to bring up when the item comes up, and I was going to discuss it with the maker of the Resolution. Mahalo, Mr. Laenui.

MR. LAENUI: Yes. Do you mind, could you read very briefly that clause and then that would refresh my memory?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Whereas the history of Hawaii's relationship with the United States of America is one marked with U.S. aggression, collusion, government overthrow session and annexation as a territory before Hawaii became a U.S. State.

MR. LAENUI: Okay. Yes. I'm familiar with the statement itself. I think I can answer any questions that you may have on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I was just wondering if you supported that whereas clause in the Resolution as written.

MR. LAENUI: Oh, yes, I do. I do. I think the clause was saying that this is sort of the historical basis, but that there were some problems within that . . . *(audio interference)*. . . one of which was, for example, the vote for Statehood. And myself, along with Leon Seal and Dr. Keoni Dudley, had submitted a petition to the General Assembly of the United Nations asking for a second look at how the vote was taken and the illegitimacy (clears throat), excuse me, the illegitimacy of the vote. What they reported, what the United States reported to the General Assembly...

VICE-CHAIR RAWLINS-FERNANDEZ: So are you...you're talking about the plebiscite. You're not talking about annexation, you're talking about the plebiscite?

MR. LAENUI: Yes, that's correct. I thought that paragraph brought it up to Statehood, that's why.

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VICE-CHAIR RAWLINS-FERNANDEZ: All right. Got it. Mahalo, Mr. Laenui. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Committee Vice-Chair Rawlins-Fernandez. We have Member Kama.

COUNCILMEMBER KAMA: Chair, is it all right if we ask Mr. Laenui to stay as a resource when the issue comes out?

CHAIR MOLINA: Okay. Let me ask the Members. Members, any objections to having Mr. Laenui, if he's willing to stay, to serve as a resource based on Council Rules?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. All right. No objections. Mr. Laenui, would you be willing to stay with us for a little longer as we, once we get into the agenda item, at least until say 10:00, 10:30 possibly, are you available to stay?

MR. LAENUI: Yes, I am available. I'd be glad to. Thank you.

CHAIR MOLINA: Okay. Very good. Member Kama, anything else for Mr. Laenui at this point?

COUNCILMEMBER KAMA: No, thank you, Chair. That's it.

CHAIR MOLINA: Okay. Thank you very much. All right. Members, any other need to clarify Mr. Laenui's testimony? If not, of course, you'll have an opportunity, once we get to the agenda item, to ask Mr. Laenui more questions as it relates to the proposed Resolution. Okay. Seeing none. Thank you, Mr. Laenui. So just please be on standby. And at this point, we'll move on to our next testifier. Ms. Espeleta, if you will.

MS. ESPELETA: Mr. Chair, your next testifier is signed in under the initials DJEND. DJEND, please unmute yourself.

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

COUNCILMEMBER PALTIN: I think that's Ms. Endrina. No?

MS. ENDRINA: I don't have any testimony.

CHAIR MOLINA: Oh, okay. You're just observing this morning?

MS. ENDRINA: Observing, yes.

CHAIR MOLINA: Okay. Okay, great. Thank you.

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MS. ENDRINA: You're welcome.

CHAIR MOLINA: All right. Ms. Espeleta, please continue.

MS. ESPELETA: Mr. Chair, your last individual, which I don't see on the call anymore, was signed in under Guest. It appears he or she is no longer on the call. That was the last individual signed up to testify.

CHAIR MOLINA: Okay. Thank you, Ms. Espeleta. What's the status of our first testifier, I believe Carl, is that individual still online for testimony?

MS. ESPELETA: Mr. Carl . . .

CHAIR MOLINA: Carl, are you there?

MS. ESPELETA: Yes, Mr. Chair, he is still on the line. I will try to unmute him on my end.

CHAIR MOLINA: Okay.

MS. ESPELETA: You are unmuted on our end, Mr. Carl. Please proceed with your testimony.

CHAIR MOLINA: Okay. Mr. Carl, are you there? If not, Mr. Carl, you have the opportunity to...I'm hoping that you can hear us, you have the opportunity to submit your comments via written testimony and just send it to getcommittee.com. We're hoping that this message reaches you. And if you fully intend to testify in some way, shape or form, so that is your next...other opportunity if you cannot join us here due to technical difficulties. Okay.

MR. ROZYCKI: I'm not here to testify. Thank you.

CHAIR MOLINA: Oh, okay. There you are. Good. Please state your full name for the record so we know who you are.

MR. ROZYCKI: Carl Rozycki.

CHAIR MOLINA: Okay, Mr. Rozycki, so you're not here to--you're just here to observe?

MR. ROZYCKI: Just observing the workings of the County Government. Thank you.

CHAIR MOLINA: Okay, great. Well, thanks for joining us anyway.

MR. ROZYCKI: All right.

CHAIR MOLINA: All right. Ms. Espeleta, please continue. I guess...I believe that was our last testifier signed up.

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MS. ESPELETA: Yes, Mr. Chair. You're correct.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: All right, Members you heard it, no other testifiers. If there are no objections the Chair will close public testimony for our agenda today. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Any objections to accepting any written testimony as well?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. So ordered.

GET-2(44) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (SALARY COMMISSION) (CC 19-24)

CHAIR MOLINA: All right, Members, let's get right to it with our first agenda item. This is the Nominations to the Salary Commission, GET-2(44) "RELATING TO THE APPOINTMENT OF MICHELE HEILE TO THE SALARY COMMISSION." And Ms. Heile's nomination is related to the vacancy of, or shall I say the resignation of Paul Kailiponi, and this term will expire on March 31st, 2025. And we have...joining us from the Mayor's office, we have Mr. Mossman. If you could give us a brief overview with regards to Ms. Heile's nomination? And I believe she's on standby, ready to join us to respond to any questions from the Members. Mr. Mossman, if you will.

MR. MOSSMAN: Good morning. Good morning, Chair Mike Molina and Councilmembers. And we thank you for this opportunity. As we were looking for the replacement for Mr. Kailiponi, we were looking for the balance of the Salary Commission, and we wanted to basically get someone from the West Maui District, which was one of our first choices, and also have a female that would balance out the group. And we have Michele Heile, who is a very, very, very, very dear friend of the Committee here, with myself. She's a graduate from St. Anthony's, attended University of Hawaii Maui. Like I had stated, resident of the West Maui District. Her son, who is a sophomore at Lahainaluna High School, is also basically a basketball player, following in the footsteps of her dad, Mike Davis, who is a very dear friend as well. She has spent about nine years working for an ERI group in Japan, music production business management, giving her a pretty good flavor of business as a whole. She is presently working with D.R. Horton in the real estate industry. And Michele really would like to give back to the community, and we really welcome her as a Mayor's appointee. So we'd like to thank you.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman, for the overview. And Ms. Heile, if you're there, we'd like you to come and say...join us and say a few words about yourself, maybe about a minute or so, and then I will open up the floor for any

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questions from the Members. Ms. Heile. Ms. Heile, are you there? I know she joined us on the call earlier. Staff, can you help me find out what her status is, Ms. Espeleta?

MS. ESPELETA: Yes, Mr. Chair. Her video is unmuted. I tried unmuting her audio on my end. She may have to unmute on her end as well.

CHAIR MOLINA: Okay. Ms. Heile, if you could unmute on your end; or at the very least, if we cannot see you, we can at least hear you. I see you on our screen in terms of you're there on the call, but we can't hear or see you at this point.

MS. ESPELETA: Mr. Chair, I know we were able to see her prior to the meeting starting.

CHAIR MOLINA: Correct.

MS. ESPELETA: So let me try and troubleshoot and see what the issue is.

CHAIR MOLINA: Okay. So Members, while we're trying to troubleshoot, please, if you have any questions, try to formulate them now. I'm guessing she can possibly hear us because I did see her on the screen prior to the start of the meeting. Members, do you have any questions for Mr. Mossman at this time first, before we go to Ms. Heile? Okay. Nothing for Mr. Mossman at this point.

MR. MOSSMAN: Mike, would you like me to try and call her and try and see if I can get her on her cell?

CHAIR MOLINA: Yeah. Let's try and do that. Maybe we can do an audio interview. She would have to, of course, just dial up on the BlueJeans app via her cell phone and see if we can work with that.

MS. ESPELETA: Mr. Chair, it appears I have a report her mouse is not working presently. She apologizes for the delay. She is having issues with her mouse.

CHAIR MOLINA: Okay. All right, Members, maybe what we'll do, we'll take a brief recess. Let's see if we can get Ms. Heile just to contact us via phone. So let's go ahead and do that. So we'll take a very brief recess. If it appears that there's going to be some real major technological difficulties, we may have to bypass the interview with Ms. Heile and...well, we'll see what transpires from then. Recess subject to the call of the Chair. . . .(gavel). . .

RECESS: 9:36 a.m.

RECONVENE: 9:43 a.m.

CHAIR MOLINA: . . .(gavel). . .The GET Committee meeting for Tuesday, September 22nd is now back in session. Thank you very much, Members, for your patience. We experienced an unexpected technical glitch with regards to our nominee, Michele

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Heile, the nominee for the Salary Commission. The Chair has been informed that again, she's still experiencing some technical difficulties with trying to get on the audio, to do an audio interview with us. So at this point, the Chair wants to do a temperature check with you. I personally have no problems with the nominee. I'm comfortable with taking action. However, for those of you who may have questions, you know, you have that option. If we decide to take action today and the nominee moves forth through the Council, you can either make contact with the individual to ask your questions, or if the nominee would like to join us at the Council meeting, you have that option of asking questions, provided it doesn't get too...

COUNCILMEMBER PALTIN: It looks like we're ready on *Akaku* right now.

CHAIR MOLINA: Yeah. We're on. I did gavel the meeting in. So yeah, we are officially in, I did gavel.

MR. MOSSMAN: Chair Mike, can you see --

CHAIR MOLINA: Yes.

MR. MOSSMAN: -- if she's on there now? She just sent me a text saying that she's on there on the phone, is that...

CHAIR MOLINA: Okay. Let's see, Ms. Heile, are you there?

MS. HEILE: Yes. Aloha. I'm here.

CHAIR MOLINA: Okay. Well, so much for my little spiel about you not being on. Okay. We do have you. Thank God. Okay.

MS. HEILE: Yes. Thank you. Thank you . . . (*inaudible*). . .

CHAIR MOLINA: All right. Ms. Heile, can you first give us a one-minute opening, up to a minute, just tell us a little about yourself and why you'd like to be selected to the Salary Commission? Please proceed.

MS. HEILE: Yes. I am from here. I'm from Maui, born and raised here, and I'm interested in being of service to my community.

CHAIR MOLINA: Okay. Thank you. All right, Members, the floor is now open for any questions with regard to Ms. Heile's nomination. And again, as a reminder, please, if you have questions, it needs to be related to what's on the application, okay, if at all possible. All right, any questions for Ms. Heile? We'll start with Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Ms. Heile. Thank you for calling in. I know the technical difficulties are challenging.

MS. HEILE: Thank you.

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COUNCILMEMBER KING: But I appreciate you being here. And I just wonder if you could give us a little bit of background of why you chose this Commission and, you know, do you have background in business or administration, and possibly what...I see that your resume says you are a salesperson, and what kinds of...it's hard to tell what kinds of items you were selling or product.

MS. HEILE: Yes. I am a real estate agent here on Maui, and I'm working for D.R. Horton Hawaii selling homes at the Kehalani Project called the Highlands.

COUNCILMEMBER KING: Okay. And then do you have an administrative background, or you know, what do you feel that you have that's related to setting salaries?

MS. HEILE: Yes. When I worked in the music business, I formulated from start to finish. We put together the production team, the project for the record company, and I was involved in really, start to finish that music project in Los Angeles.

COUNCILMEMBER KING: Okay. Well, thank you for that answer. Sorry about the confusion, I was trying to read your handwriting and I saw Dr. Horton, so I thought you were in the medical field. But it's D.R. Horton.

MS. HEILE: Oh, no. . . . *(inaudible)*. . .

COUNCILMEMBER KING: Yeah, I was not reading your handwriting correctly, so otherwise I would have realized you were in real estate. So, you know...and then, do you have any problem as far as the attendance policy that we have for our Boards and Commissions?

MS. HEILE: No. Can you go over the attendance policy again as well?

COUNCILMEMBER KING: Well, I don't have it right in front of me, but there's a requirement that you, you know, you attend a certain percentage, and I think we made it a little bit different for some of them. But, you know, you have to attend at least 50 percent of the meetings to stay on the Board of Commission. We did that because we were having a problem with people not showing up for some of these meetings, and then some of the Boards and Commission were having a problem with quorum . . . *(inaudible)*. . .

MS. HEILE: No. No, I do not have a problem with that.

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

MS. HEILE: Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. And by the way, I've been informed Mr. Hokama is now back online with us. Good morning, Mr. Hokama. Okay. I see his name on the screen, so...

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COUNCILMEMBER HOKAMA: . . .*(audio interference)*. . . Mr. Chairman.

CHAIR MOLINA: Oh, there you are. Okay. Good morning. Thank you for joining us, Mr. Hokama. All right. Moving on then, Members, any other need to ask our nominee questions of Ms. Heile. Let's go to Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms.--will you please say your last name?

MS. HEILE: Heile, like Hali'imaile.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Hali'imaile. So Heile. Okay.

MS. HEILE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: So what is your experience with the Salary Commission? Have you attended any meetings in the past, watched them on *Akaku*, reviewed any of the minutes, and are you familiar with what they do?

MS. HEILE: I am getting familiar with the process. I'm new to this, I'm not new to understanding salaries and commissions, however, I am a quick learner, and I believe I can really listen and facilitate and represent the West Side for the Board. And I certainly can, you know, try my best to ask for help if need be, but I believe I can bring a lot of service to the Board.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response. Would you expand on what you mean by service, and what do you see as your way of contributing to this Commission?

MS. HEILE: Well, with respect to, you know, being a new person to represent and be on the Board...I've never been on a Board before, so I'm very new to this and the process. And I'm very...I'm a very hard worker, and if I don't understand something, I'm certainly going to learn as much as I can to make a very clear recommendation. I think I will...I'm a very good student, so I'm really looking at this opportunity to grow and to be of service. And so I will certainly leaning on other Members for, you know, direction and advice, but also listening to the community and representing and listening . . . *(audio interference)*. . .as well. You know, I'm just...I'm very excited to be a part of this opportunity, but this is certainly new to me as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for your response. Did you...what did you do to prepare before coming before the Council to respond to questions that we had...in preparation for our questions?

MS. HEILE: Well, to be honest with you, I looked over the Salary Commission's description, and I'm trying to understand the process as best as I can. I may have been able to maybe, you know, look for...I'm sorry, I certainly am learning about how to come

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before the Board, so my apologies if I seem a little nervous. But I certainly read online a lot about what the position, the description is, and that's what I've...and at the last meeting, we listened to the other Members discuss the current...you know, the current situation of our County.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for your response to that. And did you apply to other Boards and Commissions? Is this, you know, the Salary Commission was a Commission that you sought out to serve on, or were you asked to serve on this Commission?

MS. HEILE: I was asked to serve on this Commission, and I'm...like I said earlier, I'm new to this opportunity, so I'm really here to learn and to provide service to my community. So that's really where I'm at at this time.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And then Chair, last question. My concern is if you are selected to serve on the Salary Commission since, you know, we're doing a lot of our meetings via video conferencing, do you anticipate, or do you have the, you know, hardware or...and maybe Mr. Mossman will be able to jump in here after a response from Ms. Heile, but do you think you would be able to make the meetings...not just like timewise, as Member King had asked but, you know, you would, you know, be calling in, or do you have a laptop that you would be able to use to join via video?

MS. HEILE: Yes. And my apologies for today. It's just unfortunately one of those things, my mouse just decided to give me technical difficulties, but I generally do not have this type of problem, so my apologies. But yes, I do have . . . (*inaudible*). . .

VICE-CHAIR RAWLINS-FERNANDEZ: No apologies. We've all been there. Yeah, we've all experienced tech issues at the, you know, exact time that we're hoping not to experience any technological issues. And I saw Mr. Mossman jump on. I wasn't sure if he wanted to...

MR. MOSSMAN: Hi. Yes. Council [sic] Keani, I'm not sure, but I know we've had the difficulty, and Michele has been, she has put in for a number of applications as well from the standpoint of other boards as well, but we just felt that she would be a fabulous member to the Salary Commission, especially from the West Side with her enthusiasm, with her wanting.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Mossman.

MR. MOSSMAN: Yeah. So, anyway I just...yes.

VICE-CHAIR RAWLINS-FERNANDEZ: My question was about having, you know, the ability to connect to the video conferencing meeting. So I don't know what, you know, we're doing to ensure that those that we, you know, have sit...ask to sit on Boards and Commissions if they're supported, or if they're, you know, equipped with what they need to with the technology.

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MR. MOSSMAN: Chair, very good point. Very good point, and yes, we'll go through that with Michele as well. Thank you.

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

CHAIR MOLINA: Okay. Thank you, Committee Vice-Chair Rawlins-Fernandez. Before I recognize Member Kama, one other way you can find out about the attendance policy, Ms. Heile, is consult with Mr. Mossman as well so you get a clear understanding of what the expectations are as it relates to attendance. And of course, now that we're doing a lot of these Board meetings via Zoom and other...BlueJeans and so forth, you know, it's pretty critical that if you are confirmed by the Council, that you can get your technological issues resolved. So anyway, those are just my thoughts on that. Member Kama, you have any questions for the nominee. Proceed.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Ms. Heile, for being here this morning. I just have a couple of questions. So I heard you say to Member Rawlins-Fernandez, that you had not ever served on any Boards or Commissions before getting...or wanting to apply for the Salary Commission; is that correct?

MS. HEILE: Yes, that is correct. I'm new to this, although I have watched and I have, you know, been very involved with following what the Boards have been doing publicly. I haven't served Maui County in this capacity before.

COUNCILMEMBER KAMA: So you understand how important this Salary Commission is?

MS. HEILE: Yes.

COUNCILMEMBER KAMA: And that the decisions that you will make sometimes will not be an easy one, and sometimes you will have to really look deep down into, you know, the deepest recesses, I guess, of your know how to be able to make that decision. So do you have someone in your sphere of influence that you could go and talk to about certain things that might be hard or troubling, or things that you just want to talk about? Do you have somebody that you could talk about things like this with that could give you good solid advice?

MS. HEILE: Yes.

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

CHAIR MOLINA: Thank you, Member Kama. And I heard Ms. Heile state that she was a graduate of St. Anthony. We do have a St. Anthony alumni on the Committee. Chair Lee, do you have any questions for the nominee, before I recognize Member Paltin.

COUNCILMEMBER LEE: Thank you, Mr. Chair. Ms. Heile.

MS. HEILE: Yes.

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COUNCILMEMBER LEE: Generally, I don't know you, but I'm glad you went to St. Anthony, so you must have very good training, a strong, ethical background. Mr. Chair, my concern for anybody being on a Commission is that they bring with them common sense and a sense of fairness, those two things. And they will learn, like anybody else, on the job. And as long as there is the will and enthusiasm, they will learn, you know, in good order, in short order. So I am supportive of Ms. Heile, and I wish her well, and I know she'll do a good job just by the sound of her voice. She may not be an accountant or an auditor or any of those things, but neither are we. So with that, I'll say, I wish you luck, Ms. Heile. And that's all I have to say, Mr. Chair. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee, for your thoughts. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair, and thank you, Ms. Heile, for your willingness to serve. You know, Mr. Mossman pretty much had me sold on a female from West Maui, but I did have a couple of other questions. Is...have you had experience in working with, say, you know, a group of six to nine other folks, and maybe you think one or two of them are crazy or that you can't get along with them--not that that ever happens with us nine folks but, you know, just having...do you have some sort of strategies for, you know, when you come to a disagreement or, you know, you can't handle what the other person is saying? Like, have you experienced that before, and do you have some sort of tools to deal with that type of situation?

MS. HEILE: Yes. I feel I have the ability to handle any situation that can come up, especially...I understand there is a lot of responsibility. I think my mindset is one of calmness, and I think my family and friends have always said to me I have this way of diffusing situations, so I'm a good listener. I remember many occasions when there is just so much chaos, and especially in the music business. But I think if you let people say what they need to say, and you listen, and you respect them--you may not agree, and it might not be what you are going to agree to, but there is a way to effectively communicate, and I think I have that instinct. So I would like, you know, to have that opportunity to...I like to problem solve. I like to solve things instead of create problems. So that would be my goal in whatever comes up, and...

COUNCILMEMBER PALTIN: Thank you so much. I think that's exactly what we need. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. And we have a question for you from Councilmember Sinenci.

MS. HEILE: Yes.

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo, Ms. Heile, for your willingness to serve. I'm sorry I just had received a bad copy of your resume. So I was just wondering if you could read out for community service towards the second half of the page. I see Lahainaluna High School PTA and Basketball Committee, but I can't read out the other.

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MS. HEILE: Oh, yes. Well, A Hundred Women that Care, and the Boys and Girls Club of Lahaina.

COUNCILMEMBER SINENCI: The other one is...the second line...

MS. HEILE: Oh, Realtor's Association and Real Estate Agent and Lahaina Strong.

COUNCILMEMBER SINENCI: Oh, the Lahaina Strong is...during the Lahaina fires, there was the Lahaina Strong efforts, that the one?

MS. HEILE: Yes.

COUNCILMEMBER SINENCI: What is the Hundred Women Care?

MS. HEILE: A Hundred Women Care is an organization that donates money to causes on Maui. Women get together quarterly...I mean, now things are a little different, but we used to get together and have fundraisers for different charity organizations.

COUNCILMEMBER SINENCI: Okay. And so how much...I mean, I just wanted to get an idea of your community service. You know, oftentimes we hear realtor, and we're always getting a lot of real estate agents on our Boards and Commissions. So I just kind of wanted to get an idea of your community service within your community about how much community service time have you accrued as far as years, or maybe per week that you volunteer your time.

MS. HEILE: Oh, wow.

COUNCILMEMBER SINENCI: Just estimate.

MS. HEILE: I don't know...an estimate? Well, a lot of it is related to, you know, my son's school and his activities, and a lot of things have changed this year with COVID, not an excuse, but I don't know if I can give you an exact number, a time. I would like to be more involved, that I do know.

COUNCILMEMBER SINENCI: So, with all of the Hundred Women Care and Boys Club, about a total of about how many years of service?

MS. HEILE: Well, since I've been here on the island, I would have to say a few years, maybe a couple of years.

COUNCILMEMBER SINENCI: Two, three years?

MS. HEILE: Yes.

COUNCILMEMBER SINENCI: Okay. Great. Thank you. Thank you for your responses. Thank you, Chair.

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CHAIR MOLINA: Thank you, Member Sinenci. Okay. Seeing no other Members raising their hand, I believe we're done with the Q&A for the nominee. I'd like to thank Ms. Heile for making yourself available for questions from the Committee. And at this point, Members, the Chair is going to offer a recommendation, and that recommendation is a motion to support the Resolution as it relates to the nomination, or to the appointment of Michele Heile to the Salary Commission. Chair will entertain a motion to support.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay. The motion came from Chair Lee. Seconded by Member King. Any discussion? Okay. Seeing none. Oh, sorry, go ahead, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair for this opportunity to speak toward the motion. You know, I take our Boards and Commissions very seriously, and I want our community to take them very seriously as well. Our Boards and Commissions make decisions that, you know, can affect our community long into the future, far into the future, and it's something that I, you know, want to make sure that we keep a high standard for. I ask a lot of questions to keep that high standard. I know it can be challenging to find people to volunteer their time to serve on Boards and Commissions and so, you know, mahalo, Ms. Heile, for offering to volunteer your time to serve our community. So I will be voting yes, but I hope that, you know, she really does take this seriously, that she, you know, will be, you know, better prepared than she was coming before us. I hope that she will, you know, study through the meeting materials prior to, so that...I recognize there's a learning curve for everything, but my hope is that our Board Members and Commissioners will not just look to the other Members for how to vote, or look to Corporation Counsel for how to vote. I really want them to be independent thinkers, and be able to make decisions for themselves, and really stand on those decisions that they make, and have a really good rationale for the votes that they make. Because the Salary Commission will cost our taxpayers money, and it's important that they really think through how much our directors, for example, are getting paid. And I understand that we want to be competitive with the private industry, and so, you know, it's important to have a competitive salary, but it shouldn't be a raise every year. And it...sometimes it looks like people just kind of go along with whoever is taking lead, and I hope that our Boards and Commissioners won't just, you know, go along to get along, that they really ask the tough questions and not just, you know, are chosen to sit on these Boards and Commissions because they're going to, you know, toe the line, basically. I agree that...you know, I didn't ask anything about degrees. I don't think, you know, anyone's measure of value is measured in degrees or anything like that. I believe in self-learning and having work experience and other background that you can, you know, contribute in those types of ways, but I just...I wasn't, you know, super stoked on the responses that I got to my questions. I hope that Mr. Mossman will better prepare the nominees before they

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come before us so that they're more adequately prepared to answer our questions. They need to know what Boards and Commissions they're going to be sitting on that's going to affect our County. So like I said, I'm going to support the motion but, you know, I understand it's nerve, you know, racking to come before the Council and it's a public meeting and everyone hears you. So, you know, I'm not discounting that, it's just I want...at minimum, I would love for Boards and Commissions nominees to at least review at least one meeting prior to coming before us. It's all archived. You can go and watch the meetings and just, you know, read the minutes and see, you know, what the discussions are. See, you know, kind of what the temperament of the current, you know, Board of Commission is, and who these people are going to be that you're going, you know, be volunteering your time to work with. So, you know, I just...I hope, you know, Mr. Mossman will take that into consideration the next time a nominee comes before us. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Committee Vice-Chair Rawlins-Fernandez. Any other last thoughts or discussion on the motion? I see Member Sinenci with his hand up. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And, yes, Chair, I too, would like to support Ms. Heile's appointment today to the Salary Commission. I like that she is from West Maui, and she's bringing equality to the Salary Commission as a wahine. My line of questions was...you know, and sometimes...and it's not that all real estate agents are bad or anything, but my line of questioning is about just your community involvement, and just to get a feel of your community as a Boards and Commissions and, you know, her...I'm sure Ms. Heile's resume was picked amongst a few that applied for this position. So I congratulate her for being picked by the Administration. But, you know, I would think that more of our candidates have leadership roles within their community, and not just have, you know, more like business ties or anything, or just have a feel of their community. So I'm glad to support today. Mahalo.

CHAIR MOLINA: Okay. Mahalo, Mr. Sinenci. Member Kama.

COUNCILMEMBER KAMA: Chair, can we just call for the question?

CHAIR MOLINA: All right. Chair will ask one last time. If there are no questions, Chair would like to...okay. Chair would like to give everybody at least one opportunity to speak to the motion once. Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I'd like to speak to the motion. I support Ms. Heile, and want to thank her again for giving of herself. And I just wanted to say that I like the fact that we're adding new blood because sometimes it seems like we're just recirculating the same people from Commission to Board to Commission. And so I think this is good. I also want to thank Councilmember Sinenci for clarifying because I was having a hard time with the handwriting as well, but I do also belong to the Hundred Women Who Care program, and it's a wonderful group of professional women who support nonprofit causes. So thank you for doing that too, Michele. I think that's...that getting to know a lot of those women in that organization has been

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really promising for the Island for Maui, and for our nonprofits to gain additional funding from the private sector. So I support you, and I do hope that as a member of the Salary Commission, Ms. Heile, that you will consider the fact that we, you know, we oftentimes what we get from the Salary Commission is based on data, but not necessarily on our budget, or not necessarily on evaluation of positions, and that the opportunity that the public has to vote in a professional managing director with the professionally chosen directors may help that situation. I think that's an opportunity as well, and I hope that you'll consider that that would actually help, you know, make your job easier, I hope, in a way. Thank you for your service to the community, and I support you. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. Anyone else would like to speak to the motion before the Chair offers its closing comments? Okay. Seeing no hands going up. Chair would like to close by thanking Ms. Heile for making herself available to the Committee. And just in general, you know, not all of our nominees may meet the criteria in terms of work experience and so-called qualifications, but there are some...for me, some intangibles that I look for. So even though the nominee may not have that desired work experience or community service experience, but intangibles that I look for is the commitment towards learning. And then also, one thing that I really appreciated, what the nominee said about defusing situations. That's really important, and it shows to me that this individual has the ability to listen. I heard that comment from her. Listen first, and then comment, and try to do it in a respectful way. And if there is a potential conflict, be serving the role of one to diffuse a potential volatile situation. So that's something I certainly appreciate. And so with that said, it goes without saying, I will support the nominee. So therefore, Chair will call for the vote. All those in favor of the nominee, Michele Heile, to the Salary Commission, please indicate yes by holding up your hand or "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Mr. Hokama, I know we can't see you, but is that an "aye" from you as well, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yes, Chairman. I'm supporting you.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sugimura.**

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MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION approving nomination to the Salary Commission (Michele Heile).

CHAIR MOLINA: Okay. Mahalo, Mr. Hokama. I guess we have no opposition. We have one excusal, Member Sugimura. So the Chair will mark it eight "ayes" and one excusal, Member Sugimura. So the matter will go forward to the Council. Congratulations, Ms. Heile, and thank you for being here for the Committee. And thank you, Members, for all of your questions. Thank you.

MS. HEILE: Thank you.

GET-58 URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS (CC 20-355)

CHAIR MOLINA: All right, Members. Moving on to our next item, which is GET Item 58, which is the Protected Class for Purposes of Hawaii's Anti-Discrimination Laws. The purpose of this proposed Resolution is to URGE THE NATIVE HAWAIIAN CONVENTION TO COVENANT A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS. And this matter was brought to the Committee's attention by presiding Officer of the Council, Pro Tem Tasha Kama. Member Kama, Chair will recognize you first to give opening comments.

COUNCILMEMBER KAMA: Thank you, Chair, for putting this on your agenda in such a swift timeline. So I just wanted to thank you and the Council for hearing Mr. Laenui this morning, and he's still with us. But I met Mr. Laenui about...I don't know, maybe...I don't know, when I was in my early years. And I was sitting on a Board, and I was part of a Board of Directors in Waimanalo, and we were being sued that time, that year. So I think it was 1978 or '79, and the President of the Board told us, said, hey, I found an attorney who is willing to take our case for free if we listen to what he has to say. So of course, you know, it's the Native Hawaiian Board of Directors being sued, we don't have money, so we're looking for somebody who can give us free legal help. So we went all the way downtown to Honolulu to visit him, and his name at the time was Hayden Burgess. He was an attorney at law, and I couldn't believe that he was going to take our case until I actually listened to what he had to say to us. So what he had to say to us then is not as different as what he is going to say to us today, but I'm very happy to bring him forth to talk about the issue that I think is plaguing our community, that we are not clear about sometimes what it means, but the opportunity to listen to someone who is actually living the life of what he believes to be a true National. So thank you very much, Chair, for bringing Mr. Laenui here today.

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CHAIR MOLINA: Okay. Thank you very much, Member Kama. And we also did, as well as your office, try to made efforts to get Mr. Burgess available to serve as a resource because I believe he had a big hand in drafting this proposed Resolution. All righty. So at this point, Members, any questions for Member Kama or Mr. Laenui as it relates to the Resolution? Chair Lee.

COUNCILMEMBER LEE: Yes. Question for Member Kama. So who will decide who will comprise this working group?

COUNCILMEMBER KAMA: I'm not sure. I think that's a Mr. Laenui question because he's the author of the Reso.

COUNCILMEMBER LEE: All right. May I ask him?

COUNCILMEMBER KAMA: Sure.

CHAIR MOLINA: Mr. Laenui?

COUNCILMEMBER KAMA: Are you there?

CHAIR MOLINA: Mr. Laenui, are you still on the line with us?

MR. LAENUI: Yes, I am. I needed to be unmuted.

CHAIR MOLINA: Okay.

MR. LAENUI: Okay. Yes. Aloha.

CHAIR MOLINA: Okay. If you could respond to Chair Lee's question.

MR. LAENUI: Certainly. I believe that if you look at the Resolution itself, where it says in terms of be it resolved, that it's already set out as to who would be members of this working group. It included one individual representing the Native Hawaiian Convention to oversee the working group, to serve as Chairperson on the working group. The second is one individual...

COUNCILMEMBER LEE: Okay. Excuse me, can we stop right there. I can see the various, you know, criteria of the membership, but who decides which person will be on the Committee? Who makes that call?

MR. LAENUI: My response is that each of the Departments--for example, Department of Hawaiian Homelands would make their assignment, the Office of Hawaiian Affairs would make their assignment, so would the University of Hawaii School of Law, and then you have four individuals who declare themselves Hawaiian Nationals, and who have been active. So we try to set out the sort of general requirements, but we have not detailed exactly who that person will be. And I guess the Council can more

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specifically define by adjusting the Resolution if it's not satisfied with the general statement as to who these people should be.

COUNCILMEMBER LEE: Okay. Thank you. That would be an area of concern for me, Mr. Chair. I mean, I don't think we're qualified to impanel a group like this. Thank you.

CHAIR MOLINA: Thank you, Chair Lee, and you're bringing up a good point. I believe this is just a Reso urging for the, I guess formation of this group, but as far as the selection process and all of that, I think that's to be worked out at a later point. But just following up on your question to Mr. Laenui, so I would assume that the make-up of this group, you would have representation from each island, and am I correct in assuming that?

MR. LAENUI: I would hope so. In fact, in this particular case, being a Resolution from the Council, the Maui Council, I would presume that most of the representatives would come from Maui because they would be able to see the need on the ground, and how the issue of Hawaiian Nationals affect Maui itself. Maui, for example, had a student who was very concerned about the Americanism that was forced upon them in the high schools, and so they started a movement to remove the flags, the American flag. Now, this is a particular issue that Maui has. There are other issues that Maui may have, so my persuasion would be that it should be heavily Maui folks to express Maui's opinion on how discrimination should not be allowed as it impacts Maui.

CHAIR MOLINA: Okay. All right. Thank you for your comments, your response to that. Member King, you have a question for Mr. Laenui or Member Kama?

COUNCILMEMBER KING: Yeah, I do. Thank you. Thank you for staying, Mr. Laenui. I'm looking at the Resolution, and I just wanted to clarify that you're not...the Council is not...there's no proposal in here for the Council to be involved in this organization, correct? We're just supporting the formation.

MR. LAENUI: Yes. And then the organization, I think in this case, would make recommendations to the Council to exactly what are the possible changes --

COUNCILMEMBER KING: Yeah. Recommendations to...

MR. LAENUI: -- yeah, that the Council itself may want to adopt. For example, as I said before, one would be a driver's license. And I think you all are aware that you have many people driving in Maui who simply refuse to say that they are American citizens, they cannot qualify for driving license, and yet they wish to conform to the rules and regulations. But the idea of forcing them to say that they are American citizens before they can drive, some people are saying, no, I'm not going to do that. So Maui has the capacity to make its internal changes within Maui to say that for Maui, we shall do it a different way for people flying out or going into Maui. Right now, you have some restrictions, unless they say you're a U.S. citizen, then they get the gold star. But Maui may say, no.

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COUNCILMEMBER KING: Okay. So the intent is to...

MR. LAENUI: I'm sorry.

COUNCILMEMBER KING: No, that's okay, I'm sorry to interrupt, I don't want to hold everybody else up because other people are waiting to ask questions, but...so the intent is to make recommendations to the County Council, and then to the State Legislature? Because some of these items in here, education, things like voting rights, those are State law issues. So the intent of this group would be to make recommendations and propose strategies to the State Legislature, as well as the County Council?

MR. LAENUI: Yes. I think the recommendation should also go to the State Legislature. However, the State Legislature would say, we're not obligated to even read your recommendation, and I understand that because they did not adopt the Resolution. But Maui County, when it says Maui County supports, or Maui County has taken a position, I think at that point, the State Legislature will say, well, at least we have to give some consideration because we have one of our counties who have taken this Resolution, and this is a valid study. It's not an individual organization, but it's a County, what is that, constructed Committee to review this important issue. And so they cannot just say, no, I'm not going to listen to it.

COUNCILMEMBER KING: Okay.

MR. LAENUI: So it's not mandatory that it...I'm sorry.

COUNCILMEMBER KING: Right. No, no. You're right, it's not mandatory that the Council or the Legislature look at it, but it does give a little more authority, if we support this Resolution, that we would at least look at the recommendations and the strategies. So I appreciate that. Thank you. Thank you for your response.

CHAIR MOLINA: Okay. Thank you, Member King. Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Laenui. Mahalo for staying on the call and serving as a resource. So you drafted this Resolution?

MR. LAENUI: I drafted it, and then it was redrafted once we sent it to the State Senate. And so it's not as we had drafted it, but they felt--for example, we suggested a 20-Member Commission, 50 percent of Hawaiian Nationals and 50 percent of various people who were part of the Government, not necessarily identified as Hawaiian Nationals. And the Senate Drafting Committee felt that this was too large a group to be effective, so they cut it down. There were other slight changes, but in essence, the general idea was what the Resolution reads. And it was drafted so that the State Legislature could act, but they had chosen not to act. And so what happened here is that there was some sort of conversion to make it more appropriate for Maui County if it chose to act, and perhaps it's not adequately amended to sort of fit precisely within the County

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Council's sense of what is appropriate. And I think in this process...and the County Council can go ahead and amend it as it sees fit, but I think the general idea is, you recognize that there are many Hawaiian nationals within Maui, and the discrimination continues, employment discrimination, even serving on your juries, or opening bank accounts. There's discrimination all over the place, but people don't realize it until they are the discriminated. And this Resolution should call attention to the fact that it does exist.

VICE-CHAIR RAWLINS-FERNANDEZ: So when you say discrimination, would you please, like, expound on that? So there's a whereas clause that says, "Whereas, to truly reflect representation of all people of Hawaii, Hawaiian Nationals should be allowed to fully participate to the maximum extent possible in addressing issues regarding education, employment, housing and public accommodations, lending, law enforcement and police conduct, voting rights, jury service, military service, health care, public safety and licensing." So in that clause, and what you said in your previous response, what does this look --

MR. LAENUI: Yes. Well...I'm sorry, go.

VICE-CHAIR RAWLINS-FERNANDEZ: -- what does this discrimination look like? So you would...are Hawaiian Nationals trying to apply for, like, to serve on law enforcement or jury duty or military service and are being denied? Is that what's happening?

MR. LAENUI: Yes. Yes. So let's take jury service. For example I...as an attorney representing a person who says they are a Hawaiian National, to say I violated the law, I didn't follow the driving signs, I want a jury of my peers. And when we do jury selection, automatically, all Hawaiian Nationals are pulled off of the jury list. So when you talk about jury of your peers, somehow you don't have the Hawaiian Nationals able to even sit on the jury. That's discrimination, both to the public to have a jury of their peers, as well as to my defendant, who is a Hawaiian National because he is not being able to judge by a jury of his peers. So that's one example for jury. The other example...and we list a lot. Let's say for employment. I had been Executive Director of the Mental Health Clinic out in Waianae, Hale Na Au Pono. And we had about 150 employees. So whenever an employee says, when they are required to sign the application form, you have to close by saying, I'm either a U.S. citizen, or I am permitted to work in the United States, and they're talking about a green card. If not, you cannot get employment. And so what we had to do oftentimes is correct the form to say, for that section U.S. citizen, we just write over, I am a Hawaiian citizen, check it out, and we allow the application to go through. But many other employers will not do that. The State will not do that because they require that you be a U.S. citizen. Even to run, as an example, for your County Council, you need to be a U.S. citizen. For every public office, you need to be a U.S. citizen, except you have an exception for...in Honolulu for the neighborhood Boards. Then you don't need to be a U.S. citizen. And so we still haven't...I'm sorry. I could go on and on.

CHAIR MOLINA: Go ahead, Member Rawlins-Fernandez, with your next question. And again, Members, let's keep it tight. Unfortunately, the Chair is under some time

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constraints. We have a couple more agenda items, but let's keep it going and then we'll see where we're at in the next few minutes as far as making a decision on this Resolution today. Continue, Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And if you'd like to recognize Member Sugimura, I see that she's arrived.

CHAIR MOLINA: Yeah. Good morning, Member Sugimura. Thank you for joining us.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Mr. Laenui, if you could make your responses just a little briefer. Okay. So what it sounds like is...is there another example in the world where there are two governments or two subjects of citizenry in one location?

MR. LAENUI: Yes. It is called a Condominium Relationship in Manawatu prior to its gaining independence. It was called the New Hebrides, and you had both the French and the British government with their own independent rules. It was a condominium. If you look at Scandinavia, another situation; in Panama, another situation, where you have the Kuna Indians given special constitutional protection aside from the general Panama folks. Even in the United States, you have the Native American Indians and their certain protections as opposed to the general American laws.

VICE-CHAIR RAWLINS-FERNANDEZ: I think Native Americans are also U.S. citizens though.

MR. LAENUI: Only until 1964, but there are certain specific laws that American laws do not apply on Indian Reservations.

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

MR. LAENUI: So that's an act of Condominium Relationships.

VICE-CHAIR RAWLINS-FERNANDEZ: I think they have, like, a U.S. passport and stuff though, right? Okay. So real quick. So I think, you know, a lot of the questions that you gave me responses for would need, like, a lot of that procedural history of this being...like, a Senate resolution would probably, you know, benefit this Resolution by having that kind of information, especially like who is the Native Hawaiian Convention, some of that background. Is Native Hawaiian Convention still meeting?

MR. LAENUI: It is not meeting because we have not been financed by both the State Legislature and the Office of Hawaiian Affairs for a number of years. And as a result, we have had no money, but we have not adjourned sine die. And as a result, it is still in limbo, but it just needs some initiation to get it to meet.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And so is that the reason that you don't just put together this working group to do this work?

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MR. LAENUI: No. The Native Hawaiian Convention could move on its own, but where do we file a report? And we want to be sure that we will not be seen as just one side of the discussion or debate, and that's why we are trying to include both those who support the Hawaiian Nationals and those who are not identified as Hawaiian Nationals to be a more inclusive group. When we suggested the Native Hawaiian Convention, it actually came out of the Senate, the draft of the Resolution, and they were asking, how do we identify an organization that they can be said to be a representative of Hawaiian voices? The Native Hawaiian Convention were elected by only Native Hawaiians, of Native Hawaiians, in a public election to address these issues.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Laenui. So all of that kind of background information would, you know, be good to have in the Resolution. And Hawaii was never, there is no annexation treaty. So I wouldn't be able to support a Resolution that falsely claims that Hawaii was annexed by the U.S. Mahalo, Mr. Laenui. Mahalo, Chair.

CHAIR MOLINA: Thank you, Committee Chair Rawlins-Fernandez. You've asked some very pointed questions. This is a very good Resolution at this point, but there's still a lot of questions that need to be asked, a lot of background information. Before recognizing the next Member for any questions, Mr. Laenui, have you brought this proposal to the other counties, I assume, urging, you know, for example, Hawaii County or Oahu County, with a similar proposal like you have for Maui at this point?

MR. LAENUI: No. As I said, Maui No Ka Oi and so Maui as the first.

CHAIR MOLINA: We're the first.

MR. LAENUI: Yeah.

CHAIR MOLINA: Okay. All right. Thank you. Okay. Members, like I mentioned, the Chair is going to take this up until about 11:00, and then we'll see where we're at, and then the Chair will make a recommendation, if need be. Okay. Member Paltin, questions for either Member Kama or Mr. Laenui?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Kama and Mr.--Doctor Laenui? For this proposal, you know, generally speaking I'm supportive, similar to Member Rawlins-Fernandez, I would take out the annexation information because we don't want to perpetuate a lie. One of my questions was the military service part. Would...do some...would they be joining the U.S. military, the Hawaiian Nationals? Is that a desire?

MR. LAENUI: I can only answer for myself, and my answer is no. I was...I did serve in the U.S. military. I was a member of the U.S. Air Force. And after discovering Liliuokalani's story while I was stationed at Hickam Air Force Base, I was very upset, and refused to salute the American flag, and was anxious to get out of the military. I was finally discharged with an honorable discharge, but if I was aware of that history prior to joining, I would not have joined.

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COUNCILMEMBER PALTIN: And I guess similar to Member Rawlins-Fernandez's question, is there militaries that you're aware of that have different nationals serving in them? Like I think when the Filipinos --

MR. LAENUI: Yes. Many would...

COUNCILMEMBER PALTIN: -- wanted to, it was in exchange...or some of the folks that wanted to, it was because they wanted to become Americans. But in this case...

MR. LAENUI: Yes. There are many...many countries allow foreigners to join in the military, even the United States have allowed, and you have cited the example of the Filipinos. So the military requirement is not necessarily the same. One can be of a different nationality and join in the U.S. military.

COUNCILMEMBER PALTIN: And even if you're in the U.S. military, and you are a different nationality, they still force everyone to salute the U.S. flag.

MR. LAENUI: Yeah. That's part of the command structure.

COUNCILMEMBER PALTIN: Okay. So you just want to like ensure Hawaiian Nationals, right, if they want to join the military and be a National, that they be allowed to? And currently, are they not allowed to?

MR. LAENUI: No. Currently they are allowed to because Hawaiian Nationals are not even recognized, so the military pays no attention. In fact, should there have been a draft at the present time, the Hawaiian Nationals would be drafted along with everyone else who are American citizens.

COUNCILMEMBER PALTIN: Okay. Thank you for clarifying that for me. If we can just work on a little bit about, you know, the information about the Native Hawaiian Convention and take out the false information about annexation, I'm all for it, you know. Maybe we can just work on it a little bit more.

MR. LAENUI: Yeah. If I may say, you know, under the annexation, the annexation of Hawaii is not legitimate. We all understand that. We know that the Senate did not vote according to the U.S. Constitution. However, the Americans' conduct has declared it to have been an annexation. So that whole issue raises concerns. It raises challenges, legitimate challenges. So we can say that it was not in the constitutional structure, it was unconstitutional. However, they still suggest that there was an annexation by joint resolution of Congress. We got to address that. That is one of the reasons why we said that's all a bunch of crap, that we are not American citizens because they started cheating from the very beginning. So I understand her sensitivity with regards to the word annexation, and we can go back and forth and see it in different ways. There was no legitimate annexation, it was unconstitutional, but Americans consider it. And if you look at the court decisions, they say, oh, this is all legitimate because the U.S. Supreme Court, back in 1902 I believe it was, saying, you

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know, all of that is legitimate, there's nothing else you folks can do. They're still saying it today at the United Nations, and U.N. representatives are saying the same kind of stuff, that there is an annexation...

COUNCILMEMBER PALTIN: Well, yeah, this would be a resolution similar to the joint resolution, so it's...you know, it's just a piece of paper similar to their resolution, all resolutions, right? It's just a piece of paper with no force and effect of law. So I mean, resolutions are papers.

MR. LAENUI: But important papers. So, okay. I understand. Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Thank you very much, Member Paltin. Members, any...one last round for those Members who have not asked a question of either Member Kama or Mr. Laenui before the Chair offers his comments or recommendations on this matter today? Okay. Seeing none. I just got a couple of quick...I just wanted to get your opinion, Mr. Laenui, on this. With regards to the Resolution, the fifth whereas, I know it states something to the effect like the history of Hawaii's relationship with the United States of America is dealt with aggression, collusion, government overthrow session, and the issue of annexation. What are your thoughts, if we were to consider...I mean, obviously I'm considering. I appreciate history, and I guess it depends on how we all look at it. We all may look at the same thing, but look at it differently. To include in that fifth whereas that in 1826 the United States recognized Hawaiian independence and subsequent treaties in 1849 and 1875, which recognized friendship, navigation, commerce, and reciprocity, but yet of course, the relationship is marked with those other issues later on. Any thoughts to the inclusion of that into that fifth whereas? I know this is a very sensitive topic, but I just thought, is it something that we should also include or not even consider?

MR. LAENUI: I think it would absolutely fit appropriately. In drafting the Resolution, some of the stuff we were concerned about was the size of the Resolution because the history is, in fact, replete with the fact that Hawaii had been a recognized independent nation. Executive agreements and treaties, 99 diplomatic and counselor posts around the world, and we can go on and on. We were one of the first members of the Universal Postal Union. Had there been a United Nations, we would have been a member of the United Nations. So I think it would be an improvement if the Council is willing to add those historical landmarks to the Resolution to show that, you know, we are aware of that history, and we are aware of the invasion and overthrow and all of that stuff. So I think it would be an improvement to the Resolution.

CHAIR MOLINA: Okay. Thank you very much, Mr. Laenui, for your thoughts on that. Members, at this point, this is a very complex Resolution, and a very good one to consider, but there are a number of questions, or need for more clarification. Your Chair is going to recommend a deferral for today, but I will bring this back to Committee so that way, it will give all of us time to ask whatever questions you need to get answered, and then we can eventually make a fully informed decision on this

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proposed Resolution. Members, any thoughts or objections to deferring? And like I said, I'll bring this back in one of my Committee meetings either in late October or in early November. Any objections to deferral for today?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections, Chair.

CHAIR MOLINA: Okay. Thank you. And thank you for all of your questions, Members, and also to you, Mr. Laenui. Can you just state for the record what your background is, maybe you said it earlier and I might have missed it. Are you an attorney or PhD in something?

MR. LAENUI: No. I'm still licensed as an attorney. I have been licensed since 1976. I graduated from the University of Hawaii School of Law when they first opened. I've also had some experience working in the international arena as an advocate for indigenous people's rights. I've addressed the general assembly of the United Nations back in 1999, I think it was, on behalf of indigenous people across the world, and I have had some recognition as an expert in the development of indigenous people's rights at the U.N. I've served as an expert to the ILO in their resolution or in their convention dealing with the rights of indigenous people. I've also had some experience as an Executive Director at a mental health clinic for about 17 years out in the Waianae area, and I continue to be actively in advocacy work. So that's my general background, I guess you would call it.

CHAIR MOLINA: Okay. Great. Thank you for sharing your background. I also served in the Air Force and like you, I'm of Hawaiian ancestry and I decided to join and serve, but I've stated before on this Council, I would have hoped that at least for our public school system, people of my generation and before were given more accurate education of what really occurred with the overthrow of the Hawaiian Government. And of course, but now at a late point, a lot of people are really finding out what truly happened. So it does cause some emotional pain and conflict for many, but it's something that we still have to continue to work towards finding resolution, and go forth from there. But I want to thank you for, you know, helping educate us on this matter, and we'll leave it at that. So at our next meeting...

MR. LAENUI: If I may say, if anyone else would like to contact me, feel free to do so, and I'd be more than happy to transfer any information or answer any questions that you may have before your next Committee meeting.

CHAIR MOLINA: Okay. Yes, and please provide us whatever contact information, and I certainly will be reaching out to you to invite you to our next meeting when it does occur for additional clarification if need be. So thank you, Mr. Laenui. So Members, any objections to deferral of GET Item 58?

COUNCILMEMBER SINENCI: Aole.

COUNCILMEMBERS VOICED NO OBJECTIONS.

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ACTION: DEFER.

CHAIR MOLINA: Okay. No objections. Okay. Mahalo, Members. And like I said --

COUNCILMEMBER KAMA: Thank you, Poka.

CHAIR MOLINA: -- we'll bring this back in the near future. And thank you, Member Kama, for introducing this to the Committee. All right, Members, the Chair is aware of the time. It looks like, by looking at some of your faces, you guys need a break. So why don't we take a personal break, and let's come back around 11:00. Is that good, Members? Ten minutes or so, 11:00, let's make it 11:05. You've worked hard. Okay, Members, the GET meeting for September 22nd is now in recess until 11:05. . . .
(gavel). . .

RECESS: 10:51 a.m.

RECONVENE: 11:08 a.m.

CHAIR MOLINA: . . .*(gavel)*. . .The GET Committee meeting for Tuesday, September 22nd will now come back to order. Thank you very much for that recess, Members. We have two more agenda items left to deal with today.

**GET-11(42) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MAUI
ELECTRIC COMPANY, LIMITED; CLAIM 4065961) (CC 19-29)**

CHAIR MOLINA: Our next agenda item is GET-11(42) which is a Resolution "AUTHORIZING SETTLEMENT OF CLAIM NO. 4065961 OF MAUI ELECTRIC COMPANY, LIMITED." The purpose of the proposed Resolution is to authorize settlement of the claim in the amount of \$12,420.84. Claim alleges damages to and replacement of an electrical pole located at 2694 Ohina Street in Kihei, Maui, Hawaii resulting from a collision involving a Maui County fleet vehicle on September 7, 2018. And from Corporation Counsel, to give us an overview of the matter, we have Mr. Caleb Rowe. Mr. Rowe, you have the floor to give the Members a brief description of this proposal.

MR. ROWE: Thank you, Chair. This incident involved a September 7, 2018 accident, in which a DEM employee was driving on Ohina Street, approximately 61 feet south of Keonekai Road in Kihei. As the employee was driving his garbage truck, he started to approach the stop sign on Keonekai Road, and collided with several overhead cables. After he initially hit the cables, he stated that he did feel tension, but that he thought that it might have been a mechanical issue, so he proceeded to go forward at about four to five miles per hour. He then heard and felt a large crack, and ultimately what happened was several feet of electric and phone cables came down, as well as part of the MECO pole that had been up. In reviewing this case, the operator of the vehicle said that he did go on that road almost every single day, and that he had never had an issue clearing the wires before. However, when we did follow up on that, it was revealed that he had lifted the back of the truck to try and compact some of the

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garbage shortly before the intersection, and so we determined that was probably the cause of him no longer having the appropriate clearance to make it. Based on that and the fact that after feeling the tension he did proceed to move forward, we do think that the County would likely be responsible for the damages in this case.

CHAIR MOLINA: Okay. Thank you very much for those opening comments, Mr. Rowe. Before I recognize the Director of Environmental Management, Mr. Nakagawa, do you believe at this point recommending an executive session on this matter?

MR. ROWE: I do not anticipate the need for executive session. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Rowe. Director Nakagawa, anything else to add to the matter?

MR. NAKAGAWA: Good morning, Chair. Morning, Members. No. He pretty much went over the incident that happened. So if you guys have any questions, I'm here to clarify anything.

CHAIR MOLINA: Okay. Thank you, Mr. Director. Members, the floor is open for questions for either Mr. Rowe or Director Nakagawa in open session. Any questions, Members?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MOLINA: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you for allowing me to ask questions. And just a quick sidebar, Chair, I appreciated Ms. Rawlins-Fernandez's questions at yesterday's meeting because you couldn't either see or hear me. And I agree with all of you that should not, you know, I shouldn't be allowed to vote under those situations. So I'm in full agreement with all of you, and I appreciate that the concern was brought up openly. So thank you, Keani. I thought that was very useful. I'm still having BlueJeans issues, as you can tell, but at least I get voice today. So for me, Mr. Rowe, I read the reports and everything. So why wouldn't our employee...Jesus, I mean, if you take one CDFL test, you're supposed to know these things. Why wouldn't he go out there and check the exterior of the vehicle before moving forward when he already felt a problem? What was his response?

MR. ROWE: Thank you. I think in this specific case, the driver did say that he, I believe he said it was maybe even daily that he did drive this route. So he, I guess, wasn't anticipating there being an issue. It just so happened that I guess on this case, the compactor wasn't necessarily dropped fully. So I believe when he was asked about why he continued, he said that he assumed it was mechanical error, that there was some issue with the truck because he had driven it so often beforehand.

COUNCILMEMBER HOKAMA: So even with a mechanical, he still feels to move the equipment, not knowing what is the mechanical issue? I mean, God, he broke one Goddamn utility pole, that isn't easy to do.

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MR. ROWE: I'd agree with that assessment. I would have to let the employee speak for what was going on.

COUNCILMEMBER HOKAMA: Is he still employed with us? Is he still driving?

MR. ROWE: I believe Director Nakagawa might be more able to answer that question, because I'm not personally sure.

CHAIR MOLINA: Mr. Director?

MR. NAKAGAWA: Yes, Chair. Yes, Member, he's still employed with us, and he still drives.

COUNCILMEMBER HOKAMA: Did he get remedial requirements after the incident?

MR. NAKAGAWA: Remedial as in disciplinary action?

COUNCILMEMBER HOKAMA: Like if you get issues, go out and check your equipment. What is so hard for him to get off his ass and go outside the truck and check the situation before just driving again? He's a commercial license. He drives equipment that can kill people okay? So what, you guys never do blood test or anything whether he was under the influence of anything?

CHAIR MOLINA: Mr. Director?

MR. NAKAGAWA: Chair, yes. I can try and double check. Anytime there's an accident though, I know that they do...their standard protocol is to do their, I guess, checks of drugs, whatever and that kind of stuff. So I'll go...I can follow up and let you know, Chair.

COUNCILMEMBER HOKAMA: Well, your accident report says no to drugs and no to alcohol and no testing for all these other stuff. So is it because they are our employee, so police didn't do it? You know, Chairman, I'm not too happy, you know, with this kind of things because to me, it could have been avoided if the employee just did common sense safety requirements that a CDFL licensee does. I mean, I got trained CDFL too. I drove big agricultural pineapple equipment. Okay. We're trained what to do under situations. And I cannot believe this guy just went...knew he had an issue, and still kept moving. That is training, Chairman. That is supervision, which I find a lacking right now. Thank you, Chairman.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama for bringing light to that issue. Members, any other questions for either Mr. Rowe or Director Nakagawa? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Director Nakagawa. Mahalo for joining us.

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MR. NAKAGAWA: Hello.

VICE-CHAIR RAWLINS-FERNANDEZ: There you are. Okay. So the driver said that he thought that the tension he was feeling was due to the mechanical issues of the truck that he was driving. So I hear where Member Hokama is coming from, but I'm wondering about the condition of the vehicle he was driving, to make him feel like tension of that kind would have been normal or, you know, dismissed because it's something perhaps he experienced before with that vehicle he was operating? Do you have any information that you'd be able to share regarding the condition of the vehicle he was driving?

MR. NAKAGAWA: Yeah, Chair. Thank you, Member. So according to the police report, there was no damage to the County vehicle or the...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, sorry, I just mean that if the driver dismissed the tension that he was feeling from the truck he was operating, were there, you know, previous, like prior existing issues with that vehicle that would make him feel like that wasn't out of the ordinary to experience that kind of tension when operating that truck.

MR. NAKAGAWA: Okay. Yeah. Thanks for the clarification. I haven't spoken to the actual employee, but...so I can only go at what the police report had and what we kind of...our guys asked the driver at that time. And so, I mean, I don't know of any vehicle problems that...I guess that's what you're asking, potential problems that they had with the truck. I can tell you all the standard protocols and typically what happens, that kind of stuff, and their mindset of what they do. As far as the tension and that kind of stuff, and why he continued, that's kind of what...exactly what Corporation Counsel Rowe said, yeah. So, I mean, if you have other questions, I can kind of clarify about that.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I just wanted to make sure that, you know, we're maintaining our, you know, heavy equipment properly so that ---

MR. NAKAGAWA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- you know, if there is a situation like this where obviously, something is not right, right? So he's like moving forward, he's going four to five miles per hour and driving forward, and he feels some kind of tension, right? And that was the utility pole, that was the electric lines that he was snagged on, right? The truck was snagged on it. And he was moving forward, and there was resistance, but he kept going anyway, you know, chalking it up to something going on with the truck itself. So I was just, my question was just about, you know, insuring that the --

MR. NAKAGAWA: Proper equipment.

VICE-CHAIR RAWLINS-FERNANDEZ: -- the things that we have...yeah, are you know, maintained well.

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MR. NAKAGAWA: Okay. So Chair, you want me to?

CHAIR MOLINA: Yes. Go ahead, Mr. Director.

MR. NAKAGAWA: Oh, okay, okay. So I think in general, I do know they...let's talk about just proper equipment. I know they do check their trucks every day at the end of the day when they're done for the next day because they start early in the morning. And some people do choose to do their checks in the morning also. But, so standard checks and that kind of protocols, because of their CDL license, like Member Hokama was saying, they do those checks. So in this particular instance, it was a road that they rode, that he does pick up every week, right, and you guys all know we have that twice a week pick-ups. The lines weren't out of the ordinary, you know, so I was trying to ask, like, what kind of adds...and something happened that doesn't add up. And so it particularly was, I guess they did say it was a little bit windier day, so the electrical lines were flexed a lot more, right, when it's because it's windy right so it goes up and down. And so typically, they hug the side of the pole because the pole side is connected to the line, so it's higher, right. Unfortunately, like...kind of like the police report was saying, and the way...and the supervisor verified with the driver is just that I guess it did snag part of the top of the truck as he's rolling forward after he picks up the last can to the stop sign. It's never happened before, I've checked. The typical sign that we have is a cable lines per these overhead lines, and those are usually the skinnier lines. So you don't even feel it and then you get...kind of notice it when you're done with the truck. But they've never, ever happened to where it brought down a pole with electrical wires on. So this was a very unusual case that happened. So now we're flipped back to the mechanical issue. And so the typical, and that's kind of what they do in their protocol on how they do it. So he did...in the police report, it does say, and he kind of verified that, as he's rolling forward, he felt a little tension, so he does check his mirrors, and he knows for sure there's nothing in front of him, and I guess that's why he continued forward and pulled down the lines. Now, that becomes...I mean, they're trained, they understand exactly what they're supposed to do, what their protocols are, I guess it becomes a judgment call. Now, Member Hokama is right also, maybe he could have, you know, jumped out and did a 360 check around his piece of equipment, but as far as...I cannot say on, you know, they are all trained, they all know what they do every day. I mean, it's nothing out of the ordinary where the lines were lower than normal. If it's typically lower, they won't even go past and they won't pick up in that area. So I don't know of protocol wise, I can't really say whether or not he didn't do something, you know what I mean. So once again it's kind of this out of the blue moon maybe, it's never happened before. So it's unfortunate, and potentially it could have been avoided if, like Member Hokama said, he got out of the truck and did a whole...but then it was caught on the top, so I don't know if...I mean, I guess he could have climbed the ladder and checked the top also maybe, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Do those --

MR. NAKAGAWA: So in general, I just kind of wanted to give you guys...

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VICE-CHAIR RAWLINS-FERNANDEZ: -- have like reverse cams? But you said this has never happened before. Mahalo for that information because that was one of the questions I had.

MR. NAKAGAWA: No.

VICE-CHAIR RAWLINS-FERNANDEZ: You know how vehicles have reverse cameras now, I was just wondering if there's like any kind of camera that perhaps moving forward would help the situation, but if this is the first time this has happened, then that kind of mediation would probably...mitigation would probably be unnecessary.

MR. NAKAGAWA: Yeah. I can verify. I don't know if our trash trucks have cameras. Sorry, I've never ridden in one yet. But yeah, that was my first thought is like, I mean, we drive every, like I said every week, so kind of something didn't add up, but anyway. It was the first time ever, so...

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I wasn't asking if there was a reverse camera, I was just asking if, you know, if it would help to have one, either a reverse or, but it sounds like it doesn't happen a lot, so maybe it's unnecessary.

MR. NAKAGAWA: Yeah, yeah, yeah.

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

CHAIR MOLINA: Okay. Thank you, Committee Vice-Chair Rawlins-Fernandez. I believe we had Member Paltin's hand up, followed by Member King. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My question is for Mr. Rowe. You know, similar...we had a situation with a basement flooding and like that, and I just was wondering, the concrete stone pillar mailbox, that's okay? You don't need a permit or anything to build it, or if you do, was it a permitted mailbox?

MR. ROWE: You know, that claim was actually...we settled that one previously, that was...I believe George Crawford was the Claimant who submitted the claim for that one. I personally didn't process that one, that was before I took over claims, so I'm not sure I can answer that. I do know that we did...we had actually initially denied that claim because we were unaware of the issue of the compression having been done shortly before the intersection. We then re-reviewed, spoke with the employee, and found out that there had been compression. So we actually had settled that. We had refused to accept that one, and with that new information, we then determined to accept it, which is a similar reason to why we ended up accepting this one. This one is specifically just with regards to the MECO equipment. But the stone pillar, that issue has been resolved separately. I'm not sure if that answers your question. I guess I can't answer your question because I didn't do the claim, and I apologize for that.

COUNCILMEMBER PALTIN: Okay. Yeah. I guess it's a moot point then. Thank you.

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

COUNCILMEMBER KING: Thank you, Chair. Thanks for being with us, Director Nakagawa and Mr. Rowe. I have kind of similar concerns about the situation because I thought Mr. Rowe said it happened because of something being left, the compactor being left up, which I guess just is not a normal procedure. So is that...am I getting that correct, that that's...you're supposed to put it, you know, release it or whatever before you drive under those cables, or is that a normal...I mean, I'm trying to understand because you're saying maybe it's the wind or all these other things, but it really sounds like an error in judgment of leaving that compactor up and then trying to drive under the cables, which you say was driven under many times before. So I'm a little confused.

CHAIR MOLINA: Mr. Director?

COUNCILMEMBER KING: I think it was...I was asking Mr. Rowe because he was the one that said that.

CHAIR MOLINA: Oh, I'm sorry. Mr. Rowe.

MR. NAKAGAWA: Yeah, I thought it was for Mr. Rowe. Sorry about that.

CHAIR MOLINA: Sorry. My bad. Mr. Rowe?

MR. ROWE: Yeah. We're, you know, we're not entirely sure of what the status was of the compactor as he approached the intersection. We just know that it had been activated. And so when we're reviewing these kind of claims, we look at, you know, various things. One of them that definitely struck us was that this has been a route that this guy drives on twice a week. So we were trying to determine what could possibly be different. One of them was the fact that it was windy, as the Director mentioned. But another one being that he did say that he had activated the compacting, I guess, equipment prior to going to the intersection. And so when we considered that, kind of in the grand scheme of all the other factors, we thought that that could potentially be the reason that we saw this difference here, where we've never had this problem before. So as far as if we actually know whether...I don't know personally whether the compactor had been lowered all the way or not. That just is, that's the difference that we noticed when we reviewed this.

COUNCILMEMBER KING: Okay. So the investigation is incomplete. Yeah, it's concerning because it does sound like a judgment call, but the police report says no error in judgment. And generally, if you're a private company and you have an issue like this, the first thing you do is drug and alcohol testing, and that's never...that doesn't seem to get done with our people either. So how, I mean, we continually get these, you know, incomplete investigations, and we don't really know the reasons these things are happening. And that concerns me because then they're prone to happen again. But everybody who lives in South Maui knows that it's always windy. So to say that

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it's was windy is not really a good reason for an accident. It's always windy here. So, you know, I just wonder what, you know, what mitigations are being taken after...if you don't know, I mean, is that, are you okay with just knowing and the possibility of it happening again? Or is there some education or something that goes on after something like this? Maybe the Director...

MR. ROWE: When we do get claims like this, we do make sure that the Department is aware of the claims that we've gotten and the amount that we've paid. Again, I believe that the previous claim settled, it looks...I think it was in December of 2018. So I think that the Department was made aware of this. What they did I'm not entirely sure, but Risk Management does do a good job of, you know, making sure that the individual Departments do know about the claims that are made based on their employees' actions.

COUNCILMEMBER KING: Okay. And then, Director, are you comfortable that this is not going to be another occurrence? Or...oh, you know, the other thing I wanted to ask you is when they put the pole back up, I'm assuming it's back up, did they raise up the cables? Do you know, Director?

MR. ROWE: I don't personally know. Sorry. I don't know if that was directed to me or not. I don't know how high the...okay.

COUNCILMEMBER KING: I was asking Director Nakagawa if he knows.

MR. NAKAGAWA: Yeah, Chair. So you had couple questions right? So as far as the pole and when they put it back, we...I mean, obviously, it's not under our control, it's Maui Electric, so they all have their standard utility pole electrical line heights, right? So once again, I don't know if they put it, but it definitely meets their regulations whenever they put it back. Your other question...what was your other question, sorry again?

COUNCILMEMBER KING: Well, my question is, you know, when things...this is, you know, this is the second time we've heard about, you know, our error, and it doesn't appear on the police report that it's anybody's error, so we still don't really know what the cause of this was, according to this police report. But are you . . .(audio interference). . with just leaving it open like this, and that it's not going to happen again?

MR. NAKAGAWA: Okay. So, Chair, yes, I understand your question. So when any kind of accident happens, any type of damage, there is an internal report typically that...what happens and they...because they have to state what happened, you know, I was driving this, they draw a little diagram what happened, and then they basically say what, how...in there is how do you mitigate that problem. And so basically, kind of letting you guys know that they go through that process internally to figure out, okay, why did this happen, and how can we prevent it.

COUNCILMEMBER KING: So what is...can we know that? What did the driver say that he thought was the problem?

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MR. NAKAGAWA: Once again, his...I mean, I can go ask them for that actual report.

COUNCILMEMBER KING: If that's confidential, you don't have to say, but yeah, assuming that it was or wasn't the compactor issue.

MR. NAKAGAWA: Well, okay. Sorry, Chair. For me, the compactor issue, it's an automated truck, right. So I think you guys all know, the automated trucks is the one-arm bandits, right? It comes from the side, comes up on the top. And if we're talking about a compactor issue, I don't...even if you activate the compactor, I don't think that's a device that would go higher than normal. It would have to be that the arm was lifted higher, you know what I mean? Like, because the compactor just compacts the trash to the back. So I can verify, and I can get back to you, but I don't think that was, I mean personally, just how the trucks work, I don't think that's highly the probability to what happened. I mean, I honestly think it's more of a...I mean, it's hard to say because they say it's windy, and that's what is in the report, but still, those lines, I think it's more of a...and of course I defer, right, to Maui Electric, I think it's more of a maintenance issue with the lines being lower than normal typically from their wear and tear, flexing higher and up and down. But once again, we drive it every week, so...and there was no problems ever until now, right. So I think it's just one of those things where once again, in our industry, and where I came from Wastewater, as you know, I mean, you have all the safety protocols, you have everything set, and just unfortunately, sometimes some people...unfortunately, sometimes somebody gets hurt or the piece of equipment gets damaged, and it's just . . . *(inaudible)*. . .what do you learn from it and how do you prevent it in the future, I mean...

COUNCILMEMBER KING: Well, yeah, that's the question we're trying to figure out, how we can prevent it in the future, but it's hard to say if you don't know why it happened. So yeah, it's just a big question mark that's out there, I guess, right? Thank you, Chair.

MR. NAKAGAWA: Yeah.

CHAIR MOLINA: Okay. Thank you, Member King. I know Member Hokama has another round of questions. Is there any other Member who has not asked a question of either Director Nakagawa or Mr. Rowe that would like to ask a question before I go back to Mr. Hokama? Okay. Seeing none. Mr. Hokama, proceed.

COUNCILMEMBER HOKAMA: Thank you, Chairman. And again, I appreciate you giving me time when you cannot see me, Chairman. So Director, I mean, I know it's a tough job you have, you know, you've got a big Department, two important divisions, Solid Waste and Sewers. Do you have a safety officer for each division, or do you have a safety officer just for your Department, please, Director?

MR. NAKAGAWA: Yes. Thank you, Chair. Thank you, Member. Yes, we have a safety officer for Solid Waste and Wastewater.

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COUNCILMEMBER HOKAMA: Okay. Did you have a person in that position during this time of the alleged incident, Mr. Director?

MR. NAKAGAWA: Yes, Chair. Yes, Member. I believe it wasn't a...we didn't have a permanent, what do you call it, permanent employment. It was an actual person who was just kind of doing two jobs. I believe it was, yeah, an individual who was T.A. to that position.

COUNCILMEMBER HOKAMA: Okay. You had a T.A. temporarily until you --

MR. NAKAGAWA: Yeah.

COUNCILMEMBER HOKAMA: -- filled that position. Okay. I got it. During that period, was there safety classes or training that wasn't happening because of your personnel situation, Director? And I bring it up because again, yeah, for me, Chairman, I mean, Mr. Director, I'm glad nobody died, yeah? But what is giving me pain in my gut is that truck could have left live...well, it did have live wires, right? We knocked down utility lines. I cannot imagine how many people could have died, including our employee, from electrocution. Okay. So I take this real serious. And again, I apologize if I'm kind of hot on it, but I mean, I'm just lucky we're not dealing with fatalities and claims for those kind of situations, yeah? So I'm concerned that...do we need to assist you with stronger safety programs or something? I mean, you know, if the guy says, eh, I took my license 30 years ago, Mr. Hokama. I mean, you know, what can I tell you. But I think with safety training and updates, yeah, just to tell him, you know, I mean, we're just lucky we're dealing with \$10,000 and not a million dollars claim. So any comments about the safety training and the safety position for your division, Director?

MR. NAKAGAWA: Yes. Thank you, Member. So to answer your first question, yes, so we do have now currently a permanent body into that safety officer. So that will definitely help out with keeping up with all our safety trainings and safety protocols.

COUNCILMEMBER HOKAMA: Okay. And then...and Director, last question, yeah, as it relates to that. Does your safety officer take direction from Risk Management, or just from you directly, Director?

MR. NAKAGAWA: So the safety officer will actually take directives and that kind of stuff from the Division Chief. They do work with Risk Management, and they coordinate, but as far as directives and disciplinary actions is all from the Division Chiefs.

COUNCILMEMBER HOKAMA: Okay. Thank you very much, Director. Chairman, thank you very much.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Assuming there's no other questions for Mr. Rowe or Director Nakagawa, Chair is going to just offer his brief comments and then make a recommendation. As it was stated earlier, I think there needs to be continued emphasis on safety. And fortunately, there was nobody injured, thank goodness, all we had to deal with was a broken electrical pole. But like with anything

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else, common practices, such as whenever you take a County or a Government vehicle out, do the necessary inspections, and then go forth from there. So I'm sure Director Nakagawa will hammer that point home. And as with all of our Directors, just as reminders to all of our employees, never assume an accident will not happen, and make sure the vehicle is in good working order to prevent any types of issues like this coming before us. So I want to thank Director Nakagawa especially for having to listen to us and get a little bit of scoldings, but again, this is part of the job, and I know it's never easy, but thank you. And thank you, Mr. Rowe. So with that said, Chair is going to recommend a motion to approve authorizing settlement of Claim Number 4065961 of Maui Electric Company, Limited in the amount of \$12,420.84 as it relates to the damage to their electrical pole. Chair will entertain a motion.

COUNCILMEMBER SINENCI: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

CHAIR MOLINA: Okay. Was that Mr. Sinenci, and seconded by Committee Vice-Chair Rawlins-Fernandez. Any question as it relates to the motion on the floor? Okay. Seeing none. All those in favor, signify by saying “aye” and raising your hand.

COUNCILMEMBER HOKAMA: Aye.

CHAIR MOLINA: Thank you, Mr. Hokama.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: And all those opposed?

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR MOLINA: Okay. Seeing no opposition, the Chair will mark it nine “ayes” with zero opposition. This matter will move on to the full Council. Thank you very much, Mr. Rowe and Mr. Nakagawa.

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GET-25 AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS (CC 19-143)

CHAIR MOLINA: All right, Members. The Chair...thank you. The Chair did mention that I'm under some time constraints. So unfortunately, if there are no objections, I'm going to defer the last item on our agenda, GET-25 and the Chair...thank you, Member King, for bringing this matter up, and I will place this on my next agenda, which is scheduled for October 6th. Any objections to deferral of GET Item 25?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay. So ordered. All right, Members. I believe this completes our agenda for today. I want to thank you all for your hard work, to Committee Staff and to Administration, and to the members of the public for participating in our GET Committee item for today. So with that being said, thank you again, everyone, and this GET Committee meeting for September 22nd, 2020 is now adjourned. . . . *(gavel)* . . .

ADJOURN: 11:43 a.m.

APPROVED BY:

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

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Transcribed by: Terianne Arreola

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

September 22, 2020

CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 46 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

A handwritten signature in black ink, appearing to read 'Terianne Arreola', is written over a horizontal line.

Terianne Arreola