

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

**Council of the County of Maui**

## **MINUTES**

**Online Only via BlueJeans Link**

**October 6, 2020**

**CONVENE: 9:00 a.m.**

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
Councilmember Riki Hokama  
Councilmember Tasha Kama (arrived at 9:04 a.m.)  
Councilmember Kelly T. King  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura (arrived at 10:18 a.m.)

**STAFF:** Shelly Espeleta, Legislative Analyst  
James Forrest, Legislative Attorney  
Kasie Apo Takayama, Legislative Analyst  
Wilton Leauanae, Legislative Analyst  
Pauline Martins, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
  
Kate Griffiths, Executive Assistant to Councilmember King  
Davideane Sickels, Executive Assistant to Councilmember Kama  
Lois Whitney, Executive Assistant to Councilmember Kama  
Evan Dust, Executive Assistant to Councilmember Kama  
Sarah Freistat Pajimola, Executive Assistant to Councilmember  
Rawlins-Fernandez  
Trinette Furtado, Executive Assistant to Councilmember  
Rawlins-Fernandez

**ADMIN.:** Gary Murai, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Moana Lutey, Corporation Counsel, Department of the  
Corporation Counsel  
Stephanie Chen, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Keola Whittaker, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Brandon Phillips, Sergeant, Juvenile Section, Department of Police

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Terence Gomez, Lieutenant, Investigative Services, Department of Police

Victor Ramos, Assistant Chief, Department of Police

Robert Rivera, First Deputy, Department of the Prosecuting Attorney

Layne Silva, Liquor Control Officer, Department of Liquor Control

Ipo Mossman, Community Liaison, Office of the Mayor

Lianne Suzuki, Private Secretary, Office of the Liquor Director, Department of Liquor Control

Lori Tsuhako, Director, Department of Housing and Human Concerns

Linda Munsell, Deputy Director, Department of Housing and Human Concerns

## **OTHERS:**

Melody Uchimura

Dennis Barger, Maui Coalition for Drug-Free Youth

Laurie Tanner, Maui Coalition for Drug-Free Youth

Kerith Harding, Reverend, St. John's

Ethan Baysa, Maui Waena Student

Rick Collins, Project Director, Hawai'i Public Health Institute, Maui Coalition for Drug-Free Youth

Jan Shishido, Vice-Chair, Maui Coalition for Drug-Free Youth

Kapua Chang, Chair, Maui Coalition for Drug-Free Youth

Andrea Maniago, Volunteer, Maui Coalition for Drug-Free Youth and MADD

Tyler Fisher, Maui High School student, Maui Nui Youth Council

Colin Hayashida, Insurance Commissioner, State Department of Commerce and Consumer Affairs

Ashlee Klemperer Chapman, Community Coalition Coordinator, Hawai'i Public Health Institute, Maui Coalition for Drug-Free Youth

Andrea Snow, Community Coalition Coordinator, Hawai'i Public Health Institute, Maui Coalition for Drug-Free Youth

Jeny Bissell, Family Health Services Division Supervisor, Maui District Health Office, State Department of Health

Linda Ayau

Jana Sasada

Plus (2) other people

## **PRESS:**

*Akaku Maui Community Television, Inc.*

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CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, October 6th, 2020 is now in session. The time is one minute after the hour of 9:00. Good morning all. I'm your Chair Mike Molina, and let's do our roll call to see who's joining me this morning for our Committee meeting. I see our Chair, Alice Lee. Good morning. What's our morning greeting for today, Chair?

COUNCILMEMBER LEE: Okay, Mr. Chair. From American Native Indians, dagotee. Dagotee means good morning to everyone.

CHAIR MOLINA: All right. Awesome. Awesome. Okay. Let's go out to take a trip across the pond over to Lana'i and say aloha to Councilmember Hokama. Good morning.

COUNCILMEMBER HOKAMA: Hey, good morning, Mr. Chairman. I like the new look. Hoorah.

CHAIR MOLINA: Hoorah. Yeah, that's right. It feels like boot camp, like I'm back in the service again. And this time it wasn't my wife who cut my hair, it was somebody else, so...and then they gave me a good shave, that's for sure. All right. Let's go out to West Maui. Good morning, Councilmember Paltin.

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

CHAIR MOLINA: Dagotee back to you. Thank you, Member Paltin. And let's go out to South Maui. Good morning, Councilmember King.

COUNCILMEMBER KING: Aloha kakahiaka, Chair, and I'm glad things are working for you from your office. My internet was down in my office yesterday, so it's just been a little bit spotty.

CHAIR MOLINA: Yeah. Thank you. Thanks for informing me about that too. I initially had a few problems this morning, but thanks to our ace technology staff from OCS, you know, Bruce Takahashi [sic] got me hooked up and we set it up, set the link up too, to get us through and back online here. Anyway, awesome. Let's go out to Hana. Good morning, Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aloha kākou, Chairman Molina and dagotee kākou to everybody.

CHAIR MOLINA: All right. Thank you. That's a mouthful for me to give back at you, so I'll just back at you, Councilmember Sinenci, and thank you. And let's see how the neighborhood is doing in Central Maui. Good morning, Councilmember Kama. I did see Councilmember Kama online earlier. Okay. Oh, I hope she's not experiencing some technical difficulties, but she was here. But I see Committee Vice-Chair Rawlins-Fernandez online. Good morning.

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VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair and dagotee kākou. Did I say it right? . . . *(laughing)*. . .

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: All right. Fantastic. Members, you've got such a fantastic way of meshing, you know, different cultural greetings with the local greetings, with the Hawaiian greeting. All right. Dagotee and aloha to everybody. All righty. And so Member Kama, I presume will be joining us soon. She might have gone offline, and hopefully she's not experiencing any major technical difficulties. Councilmember Sugimura will be joining us a little bit later while we're in progress due to a prior commitment. And in the meantime, let's also recognize from Administration, our Corporation Counsel that will be joining us later this morning. We have Ms. Stephanie Chen, as well as Corporation Counsel Moana Lutey, Keola Whittaker, and Gary Murai. And from the Police Department for our first item, we'll have School Resources, Sergeant Brandon Phillips; as well as Juvenile Division, Lieutenant Terence Gomez. And from the Prosecuting Office, Mr. Robert Rivera, First Deputy Prosecuting Attorney. And from the Liquor Department, Mr. Layne Silva. And then we will have others that will be joining us as well possibly. Committee Staff, before we move forward, I want to recognize them for doing such an outstanding job. Committee Secretary Pauline Martins; Support Staff, Jean Pokipala; Legislative Analysts, Shelly Espeleta, Kasie Apo Takayama; and Legislative Attorney, James Forrest. And joining us, and I guess in an observation and training mode is one of our new analysts, Mr. Wilton Leauanae. I hope I pronounced your last name correctly, Mr. Wilton. And as we move along, I'm sure if I did mispronounce it, you will certainly correct me. And oh, yes, I see Councilmember Kama joining us. How is it going in the neighborhood in Central Maui, Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. The neighborhood is still going, but I'm not sure if I am. I was locked out for a little while, for a few moments there. But the neighborhood is still a beautiful day. Thank you, Chair.

CHAIR MOLINA: Awesome. Thank you. Okay. And with that being said, let's go right into public testimony. Testimony will be taken orally by phone as well and video conferencing will be accepted. Testifiers wanting to provide via the BlueJeans network, the number is 551273481, or you can call 1-408-915-6290. And just a friendly reminder, please don't use the chat function for any, you know, I don't want to say inappropriate conversations, but just don't use it to, you know, do whatever, yeah. You guys know the drill. Written testimony is highly encouraged by sending your comments to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us), and oral testimony will be limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. And when you do testify please state your first and last name. If you are testifying on behalf of an organization, or if you are a paid lobbyist, please inform the Committee of that. And again, while others are testifying, please be courteous by turning off your video and muting your microphone while waiting for

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your turn to testify. And if you don't want to testify but want to view the meeting, just put on *Akaku* Channel 53. So let's go ahead and start with our testimony. Ms. Espeleta, could you announce our first testifier.

MS. ESPELETA: Thank you, Mr. Chair. Your first testifier is Mr. Dennis Barger. He is testifying on Item 60, and he's from the Maui Coalition for Drug Free Youth.

CHAIR MOLINA: Good morning, Mr. Barger.

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

MR. BARGER: Good morning. Aloha, Committee Members and Council Chairperson Molina. My name is Dennis Barger. I am a retired Presbyterian minister. I am going to read my statement so I can stay within the time guidelines. I am a retired Presbyterian minister, and ten-year resident of Maui in Kihei. In addition to my Seminary Degree, I have a Master's Degree in public Health. And prior to coming to Maui, I was certified by the State of California as a Prevention Specialist, and employed by the Mono County, California Department of Health. I was the County's responsible beverage server trainer for several years in a ski resort community. I'm currently a volunteer member of the Maui Coalition for Drug Free Youth. I testify today because I'm strongly in favor and believe that it is essential for the County of Maui to create alcohol control measures that will reduce underage drinking. I whole heartedly support the creation of a Countywide Social Host Ordinance that will reduce underage drinking. We must hold accountable those who hold parties where alcohol is freely served and available to minors. I want to tell you a story about two victims of underage drinking. It's about a young woman and a young man who were both victims of a permissive attitude that enables minors to drink alcohol. The young man that I am going to speak about attended a cast party following the final performance of a high school play, where he witnessed a ninth grade girl drink to the point of slurring her words and staggered as she tried to dance. A senior varsity football player who had given her several drinks earlier led her through a door off the living room. Two other football team members took positions in front of the door and blocked the young man as he tried to enter. You don't want to go in there, they said menacingly. The young man guessed that something significant was about to happen, and was very troubled. He looked around and saw that he was the only one concerned, and because of the risk of violence, he decided not to push it. He left the party frustrated and troubled. He looked around and decided that he would leave. The next day in drama class, the young girl kept trying to snuggle up to the football player during the read through that the class was going through. He began to cough unconvincingly and left the auditorium, and she left when he did not return right away. She returned a few minutes later, obviously upset. She spent the rest of the class period in the back of the hall with a girlfriend, talking and crying. Certain the girl had been assaulted while intoxicated, the young man still suffers from guilt about not being able to help the young girl. This kind of abuse happens too frequently, and I'm working . . . *(timer sounds)*. . . for a very strong Social Host Ordinance that will prevent assaults

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like this. This is a real incident, and it motivates me and helps me deal with my guilt. Mahalo for listening.

CHAIR MOLINA: Thank you, Mr. Barger. Committee Members, do you have any need to clarify Mr. Barger's testimony? Seeing none. Thank you very much for your testimony, Mr. Barger.

MR. BARGER: Aloha.

CHAIR MOLINA: Ms. Espeleta, if you will continue with announcing our next testifier?

MS. ESPELETA: Yes, Mr. Chair. Your next testifier is Ms. Laurie Tanner. She's also from the Maui Coalition for Drug Free youth for Item 60, and she will be followed by Reverend Kerith Harding, also for the same item.

CHAIR MOLINA: Thank you. Good morning, Ms. Tanner. Ms. Tanner, I think you might be muted if we can't hear you. Please unmute yourself and start over again.

MS. TANNER: Aloha and thank you, Councilmembers. I'm Laurie Tanner, resident of Kihei, former Maui public school teacher, published healthcare author, community volunteer for Maui Coalition for Drug Free Youth. I'm asking for your support for the Social Host Liability Regulation GET-60 because it's proven to be the best solution to significantly decrease underage drinking and in turn, lessen the physical and emotional fatalities that plague our young people and ohana. Maui County has more underage illegal drinkers than any other island, and this is a public safety hazard. We know at house parties, parental adult supervision and safety precautions are low. Teen hormones, illusions of infallibility and recklessness are high. In addition at house parties, peer pressure for youth to binge drink is fueled by greater access to beer, wine, booze, with door-to-door delivery, and now girls are found to participate in party drinking more, earlier than boys, and drink almost as much. The earlier someone begins to drink alcohol, the greater its impact upon the still developing teenage brain resulting in poor decision making in the present, and the high probability for addictive compulsive drinking in the future. And now kids have to contend with cell phones in the hands of even their very best friend recording the pressure and pain to become a victim or teen offender. Couple these facts with underage drinkers having an indoor or outdoor private space to congregate. Our youth tell us that when alcohol is available at house parties, almost half have fought or know of friends fighting. More than a quarter have been arrested. Almost 30 percent involved in traffic accidents. More than one-fifth of our teenagers experienced self-imposed alcohol poisoning. And almost one out of five kids have suffered sexual assault. This has brought Maui to a dangerous cliff of unnecessary suffering and preventable despair. My heart goes out to underage drinkers...it's early...who want to feel powerful and important, but the consequences of house parties are also key factors in feelings of shame, humiliation, broken hearts, and teen suicide. A child's feelings are transient, but the results of a night of house party drinking, maybe with

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video recordings, physical harm, emotional trauma are usually permanent. Give struggling parents this gift of re-enforcing what they know is right, that loving their teenage children means maintaining adequate supervision at all times. And you can make sure that all adults accept this responsibility to keep children safe . . . *(timer sounds)*. . . because even parents can have a blind eye to underage drinking on their property. Maui PD, County officials, community leaders will not. I ask for your support when this regulation comes. Please take action. Render help the best way your office allows with this ordinance. It's enforcement of citation, reasonable fines and accountability. Mahalo.

CHAIR MOLINA: Thank you very much, Ms. Tanner. Members, any need to clarify Ms. Tanner's testimony? Councilmember King.

COUNCILMEMBER KING: Three times a charm. Thank you, Chair. Sometimes that mute button gets stuck, I guess. Thank you so much for being here, Ms. Tanner, and for your passion. I so appreciate it and makes me really proud that you were a public school teacher in my District. But, you know, you mentioned a lot of data, statistical data, and I just wondered if you had...if you could share those sources with us.

MS. TANNER: Certainly.

COUNCILMEMBER KING: You can maybe send in where the sources are. And also, right now, since the Liquor Department is...the Liquor Commission is considering the next Director for the Liquor Department, maybe you could share that information with the Liquor Commission as well, and the Liquor Department because I think that's a key factor to in how, you know, we approach underage drinking in this County. So, but I just really appreciate your passion, and thank you for being here and sharing those statistics with us. It's horrifying to me that we have the most underage drinking of any island in the State.

CHAIR MOLINA: Okay. Thank you very much, Member King. Members, any other need to clarify Ms. Tanner's testimony? Seeing none. Thank you very much for your testimony, Ms. Tanner. Okay. Ms. Espeleta, please continue with testimony.

MS. ESPELETA: Mr. Chair, your next testifier is Reverend Kerith Harding for Item 60, followed by Lori Tsuhako for the same item.

CHAIR MOLINA: Good morning, Reverend Harding.

MS. HARDING: Good morning. Can you all hear me okay? Excellent. Okay. So my name is Kerith Harding. I live in Kula where I'm a pastor of St. John's Church. I'm also the mother of two children, and I'm testifying today in support of the Maui Social Host Ordinance, both on behalf of myself and on behalf of St. John's vestry, which is like our Board of Directors, who have voiced their support through unanimous vote. And of course, we hope that you all will do the same. Even as a beautifully diverse

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community, I believe that there are certain things that most of us in Maui County can agree on. We can agree that supporting our police and giving them more effective ways to protect our community is important. We can agree that protecting our young people from the sorts of things that occur at house parties is crucial. The fighting, other violent sexual assault, and we can agree with the scientists who tell us that early exposure to alcohol harms young people's developments. So given all this, to me, the social host ordinance is frankly a no brainer. We know from surveys that teen drinking rates for Maui County are higher than the State national averages, and have been so for over ten years. And the young people surveyed by the Maui Coalition for Drug Free Youth, over 400 of them from across the County, shared with us what we need to know. I believe those are the statistics that the previous testifier was talking about, and I'm sure she can get that to you, but it was pretty compelling when I read it. So let's all help solve this problem, and you have that power. We know that underage drinking is never safe, no matter where it happens, and the damage it can do is unacceptable and preventable. Right now in Maui County there's no easy way for adults to be held accountable for things like teenage binge drinking at their homes. So please support our youth. Support us as parents who want to keep them safe, and support our Police Department by giving them this tool of the Social Host Ordinance to cite the adults responsible for allowing underage drinking and its negative consequences to happen on their property. Thank you.

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

MS. ESPELETA: Your next testifier is Lori Tsuhako for Item 60, followed by Jeny Bissell from the State Department of Health for the same item.

CHAIR MOLINA: Good morning, Madam Director.

MS. TSUHAKE: Good morning, Mr. Chair, Members. I'm Lori Tsuhako from the Department of Housing and Human Concerns. And I've already submitted written testimony for your consideration. I want to just reiterate that the Department is very involved with the efforts in the community to prevent underage drinking, as well as underage access to other drugs. I think the most important part of this ordinance that's proposed is that it will limit the access to alcohol for our youth, and it provides the police with some tools to do further education, as well as to issue citations when adults don't consider the impact of access to youth when they host parties. So I don't view this as being a punitive measure, but instead as a means for people to be educated, as well as a detriment to those folks who are not taking the responsibility as adults seriously when it comes to giving children and youth access to alcohol. So I'm asking for your support of this measure. I think it limits access, and I think that that's one of the big pieces in preventing underage drinking. And, you know, some of the social ramifications and implications of that drinking as our previous testifiers have already detailed for you. So I thank you very much for your support. Thank you, Mr. Chair.



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CHAIR MOLINA: Thank you, Director Tsuhako. Members, any need to clarify Director Tsuhako's testimony. Councilmember King.

COUNCILMEMBER KING: Yeah, Chair. Just a quick question because I'm looking on Granicus and I'm seeing a lot of entries that just have a one page, so there's no attachment to the page to that says that my testimony is attached, Ms. Tsuhako. I mean, I'm sure she sent it in I just can't find it on Granicus. I don't know what's happening, if you could find out from Staff. Also, you know, when I clicked on Legislation Text, there's a one page that's just blank. So just to let you know that it's not showing up on Granicus but, you know, I appreciate Ms. Tsuhako being here to support the legislation. But there's something wrong with...if we could just maybe on the side, check with OCS and find out what's happening.

CHAIR MOLINA: Okay. Thank you very much, Councilmember King, for that, and we'll have staff look into those concerns. Thank you. Any other need to clarify Director Tsuhako's testimony? Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just...it shows up on my Granicus too as just the front page letter from Ms. Tsuhako.

CHAIR MOLINA: Okay. Thanks for letting us know. So I'm sure we'll see what Director Tsuhako can do on her end, as well as our Staff to address that issue. So thanks for letting us know. All right. Any other need to clarify Director Tsuhako's testimony? Okay. Seeing none. Thank you, Madam Director. Ms. Espeleta, please continue.

MS. ESPELETA: Thank you, Mr. Chair. Your next testifier is Jeny Bissell from State Department of Health, followed by Ethan Baysa for Item 60.

CHAIR MOLINA: Good morning, Ms. Bissell. Ms. Bissell, are you there? Hopefully you're not having any technical issues. All right. Let's do this, Ms. Espeleta. Announce the next testifier, and then we'll go back to Ms. Bissell once she's online.

MS. ESPELETA: Yes. Your next testifier is Ethan Tyler Baysa, followed by Jana Sasada.

CHAIR MOLINA: Good morning, Mr. Baysa.

MR. BAYSA: Hello. Can . . . *(inaudible)* . . .

CHAIR MOLINA: Mr. Baysa?

COUNCILMEMBER KAMA: Ethan, you're muted.

CHAIR MOLINA: We're having a hard time hearing you. I wonder if you could unmute.

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MR. BAYSA: I accidentally pressed mute after I unmute myself.

CHAIR MOLINA: Okay. Go ahead.

MR. BAYSA: Good morning, Chair Molina and Committee Members. My name is Ethan Baysa. I am a seventh-grade student from Maui Waena. I am here to give testimony in support of the social host liability regulations, agenda Item GET-60. I support the Social Host Ordinance because I know how hazardous alcohol is for young people. I am blessed to have a family that believes kids should not consume alcohol. When we have celebrations and parties, my parents do so much to keep me and my siblings safe. They put alcohol far out of reach of any minor. They do not keep alcohol in the kitchen refrigerator. Instead, they keep it in a separate fridge outside in the garage. My parents also remind me to stay away from alcohol even if I'm around it. They do this because they care, and because they know how hazardous alcohol is. I know that not all families do these things. Some may not have the ability to do so. But some parents really do not think that underage drinking is a problem that they should prevent from occurring. The Social Host Ordinance will hold adults accountable for any underage drinking that happens on their property. I believe holding adults accountable is important because parents should be more aware of what is harmful to their kids. This Ordinance will help families learn how dangerous underage drinking is, and how house parties lead to major consequences like drunk driving, sexual assaults, and alcohol poisoning. I believe this Ordinance will reduce the problem of underage drinking at house parties and help my friends, peers, and their families stay safe and still have fun at celebrations. I have seen kids my age consume alcohol, and it's something I would never want to see again. They are jeopardizing their future and their own health, and their parents were not aware of their child or children consuming alcohol. I am thankful for my parents doing all they can to protect me. I am now asking you to protect me and all the keiki of Maui County. I ask that you support the Social Host Ordinance and pass it into law. Thank you for your time.

CHAIR MOLINA: Thank you for your testimony, Mr. Baysa. And I tell you what, if I were your teacher, I would give you extra credit or give you an A for your testimony. Very well done. Committee Members, any need to clarify Mr. Baysa's testimony? I see Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Mr. Baysa, for your testimony today and your advocacy against kids drinking. Is there any way that we're promoting education within your local school district?

MR. BAYSA: I believe so. And this is just from what I know from that happened at my school is that the Maui Nui Youth Council held a date night to help raise awareness of all the statistics and everything that happened, like the statistics of underage drinking, how Maui County is the highest out of all of Hawai'i. And yeah, I...so I believe so, that they are using...that they are raising awareness through the schools.

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COUNCILMEMBER SINENCI: Okay, great. And again, thank you for your advocacy. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Councilmember Sinenci. Members, any other need to clarify Mr. Baysa's testimony? If not, thank you very much for your testimony, Mr. Baysa. Ms. Espeleta, do we have Ms. Bissell back on the line? She is, I believe, from the Department of Health?

MS. ESPELETA: Mr. Chair, no, I'm sorry. I do not see her signed on the call.

CHAIR MOLINA: Okay. Thank you. Well, with that, we'll move on. Please announce the next testifier.

MS. ESPELETA: Your next and last testifier is Ms. Jana Sasada for Item 60.

CHAIR MOLINA: Okay. Good morning, Ms. Sasada. Ms. Sasada, are you there? Okay. I don't see her there at this point.

MS. ESPELETA: Mr. Chair, I believe she's signed on as J-A-N-A, and I've unmuted her on my end. She perhaps needs to unmute on her end.

CHAIR MOLINA: Ms. Sasada, if you're listening to this please try and unmute yourself on your end, and then we can take your testimony. By the way, Members, while we are waiting for testimony from Ms. Sasada, again, please be aware if we do have any technical glitches here, especially on my end if I go offline, I know standing at the ready is my Committee Vice-Chair to take over and facilitate the meeting. So just a little FYI. Okay. We haven't heard yet from Ms. Sasada. What we'll do, Ms. Sasada, if you're listening in, you are free to submit written testimony to the Committee on this matter today and...if we're not able to get you hooked up with us today via oral testimony. So you have that option as well, to submit your testimony in written form to get.committee. All righty. Ms. Espeleta, I believe that she was our last testifier signed up; am I correct?

MS. ESPELETA: Yes, Mr. Chair.

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

CHAIR MOLINA: Okay. Thank you very much. All right. Members with that being said if there are no objections, the Chair will close public testimony on all of our agenda items for today. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR MOLINA: Okay. So ordered. And any objections to accepting written testimony?

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**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR MOLINA: Thank you so much, Members.

**GET-60        SOCIAL HOST LIABILITY REGULATIONS (CC 20-432))**

CHAIR MOLINA: Okay. Members, let's get right into business here with our first item, which is, of course, GET-60. This is a proposed bill submitted from yours truly. And I want to make it real clear today, the Committee will not take legislative action on this bill. And this is, of course, "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY." And the purpose of the bill is to, of course, to provide regulations for responsible persons who are found by clear and convincing evidence to have hosted a loud or unruly gathering where underage persons consume or possess intoxicating substances. So with that said, we do have, from the Underage Drinking Coalition, Mr. Collins, who will be doing a presentation. And before the presentation starts, Chair would like to recognize other personnel for this particular item. I did mention to you the personnel from the Police Department, Prosecuting Attorney's Office, and the Department of Liquor Control. We have as well from the Maui Coalition, there we go, for Drug Free Youth, not only Mr. Collins, but we have Andrea Snow, who is the Community Coalition Coordinator; Ashlee Chapman from the...who is also a Community Coalition Coordinator; and as well we have Mr. Colin Hayashida from the State Department of Commerce and Consumer Affairs, he is our State Insurance Commissioner. So with that said, I'm going to turn matters over to Mr. Collins, the Project Director for the Maui Coalition for Drug Free Youth, to do a brief presentation for the Committee. Mr. Collins.

MR. COLLINS: Great. Good morning, Council Chair and Members of the Committee. I'm actually going to say this is all I'm going to say because I'm actually going to turn it over to our presentation group, who is going to take it away from here. So if I could have the presentation team maybe unmute yourselves and turn your videos on, and I will...well, I'll let them introduce themselves because they have the presentation.

CHAIR MOLINA: Okay. Very well.

MS. SHISHIDO: Good morning, Committee Chair Molina.

CHAIR MOLINA: Good morning, Ms. Shishido.

MS. SHISHIDO: Oh, I am there. Good morning again. And again, my name is Jan Shishido, and good morning to Councilmembers, Council Chair Molina, and good morning to Council Chair Alice Lee. This morning as...let's see, this morning...again, I am the Vice-Chair for the Maui Coalition for Drug Free Youth, and I am honored to be here today on the community member's side of the fence, as I know many of you as colleagues and friends. And before I even start, I really wanted to say thank you for all

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the testifiers. It was very heartfelt and very true, and I'm just so proud of you all. The Maui Coalition for Drug Free Youth is a community coalition, and it's concerned about underage drinking issues in Maui County. Our mission is to prevent and reduce substance abuse in Maui, youth substance abuse in Maui. And our vision is a unified and thriving community where people are living resilient, healthy, and drug-free lives. Today we are asking for your support of this Ordinance that will improve the lives of our young people and their families here on Maui. Thank you for this opportunity for us to share with you a policy change that really has culminated three years, maybe four years now, realizing that it's just not enough to talk and to learn and to know the effects of consequences for underage drinking. There was a time...it was time to focus on the bigger picture of policy change to protect and safeguard our youth. As a former teacher, I guess you can say that my passion and awareness of substance abuse started back in 1986. This was the beginning of the DARE Program, Drug Abuse Resistance Education, on Maui. The program is taught by the Maui Police Department to fifth-grade students. And I would often share to my students about my experience growing up with an alcoholic dad, and how influencing it could be. But really my passion really started, and my story continued in 2010. In 2010, I worked for the Maui County Department of Housing and Human Concerns, and I hit the ground running as the Department was granted a grant from the State Alcohol and Drug Abuse Division, ADAD, and this was from 2008. And this grant focused on community mobilizing change in prevention of underage drinking specifically. And I am really grateful for the...for former Councilmember Gladys Baisa and Councilmembers in 2012 who saw the need, and provided the Department with a line item specifically for underage drinking prevention. We gathered data, we had community meetings, we had...we talked to groups, we talked to youth centers. And with all of this, the youth centers finally got together, and we all were able to understand and learn about evidence-based programming. And I'm really happy to announce that even today these evidence programs, these evidence-based programs are still happening in the classroom, and that they are...and yes, in the classroom even though it's virtually with today's new normal in schools. But the youth centers and programs having to come together for training and workshops, the conversations really began there. And it was really heartfelt to know that we all realized this was a start of a collaboration which has brought us to the Maui Coalition for Drug Free Youth. The Maui Nui Youth Council, a youth-run council, also was born and now, finally, we have come to where the Social Host Ordinance may set policy in place to insure safety for our youth and community. Today I'm really privileged to, and honored to have with us also Kapua Chang, our Chair and a parent; Andrea Maniago, a parent and a volunteer for MADD, Maui Against Drunk Driving; Sergeant Brandon Phillips from Maui Police Department; and our youth representative, Tyler. So thank you for your attention as we share about the Social Host Ordinance. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Ms. Shishido, and also for all your previous work as our County's Deputy Director for the Housing and Human Concerns. And hopefully you're enjoying retirement and keeping busy. Good to see you. All right. Let's --

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MS. SHISHIDO: Very busy and totally enjoying it. Yes. Thank you.

CHAIR MOLINA: I'm sure. That's great. All right. It's time for our next presenter. If you could announce your name, and please go forward with your comments.

MS. CHANG: Aloha everyone. Can you hear me okay? Okay. Great. So aloha, Councilmembers, and thank you again for allowing us this time to present. My name is Kapua Chang, and I am the Chair for the Maui Coalition for Drug Free Youth. By profession, I am an Environmental Educator, but I have been a part of the Coalition for a little over three years now, and I am very proud to work alongside a group of people dedicated to keeping our youth and community safe. The Social Host Ordinance being presented to you today has been something that the Coalition has heavily researched for the past three years. Our members, with a lot of input and guidance from our Youth Council, have worked very hard to find a solution to the problem of underage drinking here on Maui. 449 surveys were completed by youth from all Maui County islands, and extensive one-on-one interviews with youth, law enforcement officials, and other community members took place during our research period. Local data that we've collected unfortunately shows that Maui youth consume more alcohol and binge drink at higher rates compared to other counties throughout the State. Surveys show that almost 31 percent of Maui County high schoolers are consuming alcohol, as well as over 11-and-a-half percent of middle schoolers. These percentages are obviously extremely concerning. The data also provides the fact that house parties are the most common setting where underage drinking occurs. The key intent of this Ordinance is to create a safer community for our youth and their families, specifically by holding adults accountable for any underage drinking that happens on property that they are responsible for. When Maui County adults were surveyed, 88-and-a-half percent said that they would not allow underage drinking at their homes, and over 90 percent said that they would not want their children drinking at another person's home. When minors consume alcohol at house parties, it can lead to an increased risk of several consequences. These consequences include sexual assault, rape, DUIs, car accident deaths, and fighting or other types of violence. This is exactly the type of environment and negative impacts that we want to protect our children from. I myself have three young keiki, and the thought of them potentially experiencing any of the above-mentioned consequences terrifies me. I am more than happy to support an ordinance like this if it means it will help to prevent a family from suffering a horrific tragedy due to underage drinking, which our Maui community has experienced one too many times before. As parents and community members, it's our kuleana to shift the norms surrounding underage consumption of alcohol and protect our youth so that they may be able to better thrive in a more positive environment. We are here in front of you today to humbly ask for your support of the Social Host Ordinance. So mahalo nui for your time.

CHAIR MOLINA: Thank you very much for your presentation, Ms. Chang. Do we have our next presenter ready? Please state your full name and go forth.

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MS. MANIAGO: Hi. Good morning, Councilmember. My name is Andrea Maniago, and I am a working mother of four. I am also a volunteer for MADD and for the Maui Coalition for Drug Free Youth. Eleven years ago, my son Kyle was killed by a drunk driver. His death ended with a drunk driving car crash, but it started at a graduation party. The graduation party that my son attended with his friends was a celebration of a young man's accomplishments and his hard work. For whatever reason, the celebration was celebrated with alcohol and underage drinking. I would have never allowed my son to attend this party where the responsible adults were allowing kids to consume alcohol. After my son was killed, I've been wanting to make a change in our system to hold adults accountable to serving children alcohol. I ask in this time limit to please hear our voices. Help with making adults accountable. What if this rule was in place 11 years ago? Would it have changed anyone's behavior while planning a party? Can it change someone's behavior in the future? It's not a difficult rule to hold someone accountable. It's simple. If you don't serve underage children alcohol, then this ordinance will not apply to you. Please make a change. Let's be a part of the solution. Thank you for your time.

CHAIR MOLINA: Thank you very much, Ms. Maniago. Our next presenter, please...go forward please.

MR. PHILLIPS: Hi. Good morning, Chair Molina and Members of the Maui County Council. My name is Sergeant Brandon Phillips, and I am the supervisor for the School Resource Officer Program of the Maui Police Department. As a police officer, I have had to respond to many cases involving house parties, and have seen firsthand the hazardous environment created by alcohol, drugs, and juveniles. Assaults, sexual assaults, and motor vehicle crashes are some of the most common results I would see involving juveniles who attended house parties with drugs and alcohol. Most recently, as an SRO, I've had the unfortunate experience of kids telling me about the fights they got into and the sexual assaults they sustained during and after such parties where alcohol and drugs flowed freely to minors. In addition to these types of consequences, youths have shared with me how they have commonly blacked out from drinking too much alcohol at house parties. As a person who was born and raised on Maui, I have seen firsthand the prevalence of underage gatherings where adults either knew about these gatherings, or took part in the gatherings themselves. This comes from my own childhood experiences. And although some parents have had good intentions, such as keeping kids off the streets or thinking they will prevent underage drinking and driving by taking away the keys from juveniles, these parties still risk destructive effects that can alter lives forever. I can speak of this from my own personal perspective as I will be the first to admit I drank while underage. Unfortunately, I had to painfully learn, as many others have, that underage drinking can have life changing consequences. One of my best friends was the driver in a single motor vehicle accident approximately one month after we graduated from high school. During this crash, my friend was killed. He did consume alcohol prior to driving, and the rest of my friends and I have had to live with the knowledge that we could have prevented his death, had we

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exercised better judgment collectively as friends. His death, along with many others from our high school year after year, led many kids believe in the Baldwin curse. Reflecting on this now I know it is not a curse, but rather the prevalence of underage drinking in Maui County. On behalf of the Maui Police Department and Chief Tivoli Faaumu, I would like to offer my support of the Social Host Ordinance that is being considered. It is our belief that the proposed Social Host Ordinance will provide a strong civil penalty for adults who condone and/or host parties at their properties. This civil penalty will compliment, but not replace, criminal laws that officers will already enforce when responding to calls for service from the public. As proposed, the Social Host Ordinance is not designed to overburden responding officers with yet another criminal ordinance to enforce, yet it does provide another important tool to combat underage drinking and the destructive consequences that may accompany it. I, along with other officers, have worked closely with members in the Maui Coalition for Drug Free Youth for the past few years on this proposed Ordinance. I believe the Social Host Ordinance is an important tool that can assist officers of the Maui Police Department in making Maui County a safer community by removing some opportunities for juveniles to partake in underage drinking. Thank you all for your attention to this matter.

CHAIR MOLINA: Thank you very much, Sergeant Phillips. Let's continue with our next presenter.

MR. FISHER: Hello. Can you guys hear me?

CHAIR MOLINA: You're coming in fine.

MR. FISHER: Hi. Can you guys hear me? Oh, there we are. Hello. Aloha. My name is Tyler Fisher, and I live in Kahului. I'm a Junior at Maui High and I am with the Maui Nui Youth Council. I am here in support of the Social Host Ordinance. I think the Ordinance will benefit our community greatly. I know how bad house parties can be because I lost my uncle from one. This happened before I was born, but I know the story well. He was at a party with some friends, and they were all drinking heavily, and they decided to make a bad decision. And my uncle lost his life because of it. He was still a boy, and he had his entire life to live in front of him. And because of this, I was never able to establish a bond with him, and my dad lost a little of his heart because of this. I'm telling you this story to show that kids don't have to leave their safe place for there to be severe consequences. The youth today have to deal with physical fights, alcohol poisoning, and sexual assault, just to name a few. I hope that you will vote in favor of this Ordinance so other families don't have to be affected like mine, and the other amazing people who presented today. Thank you for your time.

CHAIR MOLINA: Okay. Thank you very much, Mr. Fisher. Moving on to our next panelist, please proceed.

MS. CHANG: Aloha. Kapua Chang again, Chair for the Coalition. This concludes our



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presentation. Mahalo again to Committee Chair Mike Molina and Councilmembers for allowing us this time to present to you folks, and we are more than happy to answer any questions that you may have at this time.

CHAIR MOLINA: Very good. Thank you, Ms. Chang. Members, what I'd like to do...we do have some other resource personnel I'd like to hear from first. And once all the resource personnel have been heard from with regards to this proposed bill, I'll go ahead and open up the floor for questions from you. So right now I'd like to recognize for comments on the proposed bill, Mister...first Deputy Prosecuting Attorney, Mr. Robert Rivera. Mr. Rivera, if you will?

MR. RIVERA: Good morning, Chair, Councilmembers, and all those who have spoken. I'm really impressed with what's been said, and I do believe that we can make this happen. The language of the bill does need some work. I see my position is trying to make it constitutionally sound so that it will be upheld in court. There's...I see no issues with the intentions with what the bill is trying to achieve. I think we can all agree that underage drinking does cause a lot of harm in the community, not only to our youth but to their families as well. But certain aspects of the language itself does need some work. I'm willing to sit down with the Coalition, as well as with the Corporation Counsel, in drafting language that will withstand any constitutional challenges.

CHAIR MOLINA: Okay. Thank you, Mr. Rivera. Moving on. Let's hear from Mr. Silva from the Liquor Department.

MR. SILVA: Good morning, Chair and Council. Any questions or comments you guys have, I'd be more than happy to answer. As far as the Department of Liquor Control is concerned, we believe this is a very good bill. It could be very helpful as far as combating the underage drinking problem that is going on in Maui County, and yeah, that sounds like a good thing.

CHAIR MOLINA: Thank you very much, Mr. Silva. And let's go to Mr. Hayashida, who is our State Insurance Commissioner, to give us a perspective as it relates to insurance and this bill. Mr. Hayashida?

MR. HAYASHIDA: Good morning, Chair Molina, Vice-Chair Rawlins-Fernandez, and Members of the Committee. My name is Colin Hayashida, and I am the Insurance Commissioner for the State Department of Commerce and Consumer Affairs. I will not speak on the bill, but rather on the question you have asked me, Chair Molina, which is if the personal liability portion of the homeowner's policy covers a claim for reimbursement of fines imposed and recovery costs billed by the State as a result of violating this Ordinance. Keeping in mind that this is for personal lines, the specific answer is no. There should be no effect on the homeowner's insurance premium. The personal liability portion of a homeowner's policy covers the property owner against lawsuits from physical injury or property damage that they themselves or their family

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members cause to other people. If a gathering of underage drinkers results in physical injury or property damage, and the liability portion of the homeowner's insurance is triggered, that would occur whether the Ordinance is in place or not. Therefore, any effect on the insurance premium of an ensuing liability claim cannot be attributed to the Ordinance. In some cases, an endorsement may expand the liability coverage, so there may be policies out there that provides this types of coverage for violations of ordinances, but these types of endorsements are very rare. Chair Molina, if you have any other questions or the Members have any other questions, I'm available to answer them.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hayashida ,and thank you also for making yourself available to respond to insurance related issues. And I believe finally I'd like to hear from Ms. Chen from Corporation Counsel with regards to the proposed bill.

MS. CHEN: Good morning, Members and Chair Molina. So yes, I'm really glad that all of these other people are on the call today to weigh in, so thank you for setting that up, and to the community group as well. I agree with the Prosecutor's Office that this bill does need some work, but I'm happy to hear the conversation going on today and the testifiers, and I'm here if anybody has any questions.

CHAIR MOLINA: Thank you very much, Ms. Chen. Okay. Members, I believe that takes care of all of our panelists providing their thoughts, as well as our resource personnel. So what I'm going to do, we're going to start with a first round, three minutes of questions and...to be followed by a one-minute round for a follow-up question. And panelists and resource personnel, if at all possible, in your responses to the Committee Member's questions if you could be as concise and brief as possible because they are on a clock, so I just want to make you aware of that. So let's go ahead and start. First we'll go with Member Kama. Any questions for any our resource personnel or the panelists as it relates to this Bill? You're on the clock.

COUNCILMEMBER KAMA: Thank you, Chair. So yes, I have a question and I'm not sure who wants to take it but, you know, my sense in listening to all the testifiers is that it has been very painful for them as they've shared with us, you know, their personal stories, and I'm sure that we all have a personal story that we can share about someone that we love has been injured due to underage drinking. So in listening to all of this, and I think about to limit access, is it possible to even consider limiting the sale of alcohol to certain hours of the day or the week, and then limiting the age, maybe increasing the age from 21 to 25? And short of just banning alcohol in its entirety, I just think that, you know, how serious are we about this issue? I mean, it's been around since 1986 with the DARE Program I remember, but I also remember that we have alcoholism in our family too. So I mean, do we want to get rid of it, or do we just want to tinker with it? So I don't know who wants to take that question, but I just want to be real about the issue of underage drinking and the issue of alcohol because I don't like the fact that we're blaming the kids who are underage because

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they have access to it when we know that a lot of times they get it from their parents that happens to be in the cupboard. So, I mean, let's put it out there. For me, I'd rather just put it out there and say, let's really take care of this issue the best way we know how. So that's my question, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama. Well, anyone who would like to take that question, I don't know, maybe possibly Mr. Silva from the Liquor Department first, and any of our other resource panelists.

MR. SILVA: Yes. Absolutely. As it stands right now, based on the Rules of the Liquor Commission, there are specific hours allowed for the sale of liquor. You are absolutely right, the minors are getting their hands on this liquor, more than likely it's through being purchased by adults or, you know, some other means. But as of right now, there are specific hours allowed for the sale and service of liquor and, you know, as anything else, the rules are amendable and there is a process to make that happen.

CHAIR MOLINA: Okay. Any other of our personnel would like to respond to Member Kama's question? All right. I guess...seeing none. Member Kama, you still have a little time, you want to throw in one more question if you have any?

COUNCILMEMBER KAMA: No. I mean, if anything, I would just them to consider, you know, what I said about raising the drinking age to 25 and what...you know, what that might mean to us if we're serious about doing this. And also thinking about, I don't know, maybe a partial ban on alcohol. We seem to be banning a lot of things, but let's ban the stuff that's the most harmful to us, alcohol. But thank you, Chair very much.

CHAIR MOLINA: Thank you, Member Kama, for your thoughts. Let's go to Committee Vice-Chair Rawlins-Fernandez, questions for our resource personnel and panelists.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think I'm kind of along the same lines as Pro Temp Kama. So I see where we're getting at, you know, wanting to protect our children. And of course, we all want to protect our youth, our teenagers. I'll admit I, you know, drank when I was a teenager, even though it was against the law. So I don't know if, you know, raising the drinking age would, you know, achieve the goal of preventing teenagers from drinking. So I guess I have a question for...okay, whoever wants to answer. How many gatherings have police, fire, and other emergency responders, services responded to this year and the past five years?

CHAIR MOLINA: Let's ask...maybe start off with Sergeant Phillips from the Police Department. Do you have any data as far as a response to Member Rawlins-Fernandez's question?

MR. PHILLIPS: No, I can't give you an exact number on that, and the difficulty with that is because anytime we're dispatched, the information that is relayed to our dispatcher, if an officer doesn't generate a report, just because it was a medical call, but it did

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involve alcohol poisoning or something like that, that's not going to be logged anywhere where we can easily access that data. What I found to be the most accurate data regarding the use...of underage minors consuming alcohol is probably the use survey that the Maui County has done, you know, because it really reflects how much alcohol and how much prevalence it is. Because like anything else, there's not a lot of reports that is automatically going to be generated to police. Not everything is reported to police. Not everything is reported to first responders. But I think getting the survey from the kids themselves in a no consequence environment in the manner that they did it...they surveyed, I believe it was, 499 kids from across the entire County. So that's only a small sample size, and yet we see the whole, the large numbers, the large percentages of teens that are using alcohol. So that's, I think, the best way to look at the numbers and the data. If you would like that data, Councilmember Rawlins-Fernandez, we can try to get that for you later on though.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Officer Phillips. I don't have your title. So I guess, I mean, you know, we talked about you admitted to drinking underage, you know, before 21. And I'm guessing you probably didn't only drink at house parties, you probably also drank at beaches, parks, you know, wherever you could go to, you know, find a safe place where police weren't to stop you from drinking with your friends. So I guess, you know, I'm all for like seeing like the root of the problem, right, and I see alcohol as a symptom of other problems, you know, alcoholism isn't exactly the problem, it's a symptom of oftentimes a deeper problem, maybe trauma. But also, as adults, what we're modeling in celebrating, having fun, is drinking. And so what we're showing our youth is that let's celebrate and have fun by drinking and getting drunk. And so I think that we do need to do more, and I'm all in for finding the ways to keep our youth safe. Mahalo, Chair.

CHAIR MOLINA: Thank you very much, Committee Vice-Chair Rawlins-Fernandez. Let's go to Council Chair Lee.

COUNCILMEMBER LEE: Thank you, Mr. Chair. This has been a very enlightening meeting. And even though most of us are aware of the problem, but unfortunately, we cannot legislate obedience, so the next best thing is to try and reduce the violation of underage drinking. So my question would be either to the police officer or whomever was responsible for organizing the survey. First of all, I'm befuddled to know that Maui County has the highest rate of underage drinking. So is it because our kids, number one, have more access to it; or number two, there's not enough enforcement; or is there a number three? Those are my questions.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: So maybe Officer Phillips might start it. I don't know who's in charge of the survey.

CHAIR MOLINA: A good place to start.

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MR. PHILLIPS: I was not in charge of the survey. The survey was conducted by the Coalition for Drug Free Youth by the County. But just my perspective on your questions, Councilmember, I would think that we do try and do a lot of enforcements as far as MPD is concerned. We actually are lucky, I think, that we as a department have chosen to still have a juvenile division that is charged with going out and trying to enforce these kind of laws. We do decoy operations to find different establishments that sell liquor to minors, and tobacco products as well. So we're trying to go after the people that are selling and providing the substances to the minors, not just the minors themselves as far as being in possession of it. But as far as the survey goes, I would probably defer to Kapua or someone else from the Coalition on the actual survey.

COUNCILMEMBER LEE: But before I leave you though, Officer, we used to have officers in the schools before. I don't know if you...

MR. PHILLIPS: Yes.

COUNCILMEMBER LEE: Do you still have them?

MR. PHILLIPS: That's the section I'm in charge of. Yes, we still have school resource officers.

COUNCILMEMBER LEE: Yeah. Because another important element would be education. So, you know, are we...can we increase the number of officers in the schools to help educate our kids? Well, it doesn't have to be officers, but volunteers because obviously, they're not getting the message.

MR. PHILLIPS: Well, for that question as well, we do have school resource officers. We have school resource officers, five that are on the island of Maui currently that are in charge of...we have one at an intermediate school, four at the major public high schools on the island. We also have school resource officers on Lana'i, Moloka'i, and Hana. And that's unique for a department. Many of the other counties do not have any school resource officers, or very few, perhaps two or three. In addition to that, we do have some DARE officers that work in a different division, and they are the ones that teach DARE normally to our children. As far as our school resource officers that I'm in charge of, we're actually going to implement a new program, hopefully starting next school year, called a LEAD Program, Law Enforcement Against Drugs. This program is going to cover alcohol, drugs, bullying and a variety of other topics that are important to educate our youth about. That's our educational piece that we've been doing as far as MPD is concerned. All of our school resource officers routinely do presentations to their classrooms. So that is kind of our efforts to do the educational piece. And I think education is one key component to our response to underage drinking, but it's not the only response.

COUNCILMEMBER LEE: Yeah. Well, maybe you ought to look at the enforcement, probably the worse punishment you could apply to the kids would be taking away their cell

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phones. I mean, hit them where it hurts, yeah?

MR. PHILLIPS: Right.

COUNCILMEMBER LEE: Thank you, Mr. Chair.

CHAIR MOLINA: Thank you, Chair Lee. Let's go to Member Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I'm going to just openly say at this time, you know, I support your proposal. I like the intent, the direction it's going. I agree with Attorney Rivera that there's some areas that need some revision for constitutionality and my concern. And so one, Chairman, I don't know who can answer this, but is there a reason why we're looking at just civil penalties versus criminal?

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Maybe we can ask someone from the Coalition to chime in on that question?

MS. CHANG: Aloha. Kapua Chang here, Coalition Chair. Everyone can hear me okay? Excellent. Thank you. So we have researched other Social Host Ordinances across the nation, and we have just found that going the criminal route makes it really, really difficult for our law enforcement officers to enforce something like this because of the burden of proof. So, you know, in our conversations with law enforcement, specifically Sergeant Phillips, we've realized that a civil host would just...it would make it easier for our Police Department to enforce and give out these citations when needed.

COUNCILMEMBER HOKAMA: Okay. Thank you for that explanation. So why then doesn't the appellant have the right to go to court for the appeal? You know, if it's a minor, it's under the jurisdiction of State Family Court. So why is the Police Chief trying to be a judge? That's not his role.

MS. CHANG: Brandon, you want to go ahead?

MR. PHILLIPS: Sure. I believe the way that they drafted this Ordinance, Councilmember, and made it civil is really to give us another tool. There is already prohibition of promoting intoxicating liquor to a minor under the Hawai'i Revised Statutes for us to cover any criminal service to a minor or allowing a minor to have that --

UNIDENTIFIED SPEAKER: I made them in color.

MR. PHILLIPS: -- substance on their property. So...and as far as the...

COUNCILMEMBER HOKAMA: And what is the appeal for that, Sergeant?

MR. PHILLIPS: That's still a criminal. The only civil penalty that I'm aware of that the

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Department enforces is the false alarm program, and the appeals still do come back to us as MPD. If the appeals...I believe that the Coalition, when they drafted this and went back and forth with Corp. Counsel, the appeal would actually not go to MPD as currently drafted. I think it would actually go to a different arm of the County.

COUNCILMEMBER HOKAMA: And who makes the determination of...that phrase...what's the phrase, clear and convincing evidence?

MR. PHILLIPS: The determination of that?

COUNCILMEMBER HOKAMA: Yeah. I'm just picking up the proposal, so...

MR. PHILLIPS: I believe that will be made if they make an appeal, but the officer on scene would have to determine that as well, just like an officer would have to determine probable cause for an arrest.

COUNCILMEMBER HOKAMA: Correct. And then you go before a judge, right?

MR. PHILLIPS: Yes.

COUNCILMEMBER HOKAMA: Yeah. Our system is you're still innocent until you're guilty.

MR. PHILLIPS: That's true for criminal laws I believe, Councilmember. But I think...because if they're going civil...just like the false alarm program is not a criminal fine, it's a civil fine.

COUNCILMEMBER HOKAMA: Yeah. Maybe that's the problem. We're not looking at it as we should, as a criminal violation. You guys talking about, you know, gathering can be a public nuisance and all these kinds of things. So how far conservative do you want to take this law? You know, it's pretty ultraconservative in some areas. The other one that I was going to ask you, again, that if the minor...and again, is there a purpose where we list minors and underage at two different numbers, one for 18 and one at 21. Is there a purpose to differentiate between those two age groups or something, Sergeant, minor versus underage?

MR. PHILLIPS: I'm not sure on the exact wording. I know that the Coalition was the one speaking with the lawyer about the exact language about that. But I know for our purposes, when we're looking at, say, promoting intoxicating liquor or prohibitions involving minor violations of HRS Statutes when we do criminal, we do have to look at if it's a juvenile under 18 versus someone that's in the category being an adult 18 to 20 when we determine what kind of procedure and processes we have to do. For instance, like someone that's 20 years old, if they're arrested for prohibitions, they're actually taken to the station and processed and booked, et cetera. Whereas . . . *(timer sounds)*. . . if they're under 18, they don't go through that process.

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COUNCILMEMBER HOKAMA: Okay. They just get released to the responsible adult or guardian?

MR. PHILLIPS: No, that's for like more status offenses. The processing itself at the station would be different. We would use different fingerprinting process, different photographing process, and then the case itself would probably be adjudicated between a different court.

COUNCILMEMBER HOKAMA: Thank you very much, Sergeant. And thank you very much, Chairman, for my time. I really like your cost recovery consideration. Thank you very much.

CHAIR MOLINA: Thank you very much, Mr. Hokama. Let's go to Member King.

COUNCILMEMBER KING: Thank you, Chair. This is a really good discussion, and I want to congratulate the folks in the Coalition for putting together a really strong panel that covers all angles. But I had a few...I just wondered if Deputy Prosecuting Attorney Rivera is still on, and if you could share with us some of the issues that you have with the legislation. You mentioned that some things would need to be fixed, but you weren't real specific.

CHAIR MOLINA: Mr. Rivera?

MR. RIVERA: Yes. Hi, Councilmember King. I guess to begin with, it's difficult. I was thinking along the lines of Mr. Hokama, that this case may end up in court at some point where the defendant will request a court, and a constitutional issue will be what is the intent here. And right now, we have prosecuted for intents for recklessly, knowingly, causing something intentionally, knowingly, or recklessly, as well as negligently. There is no definition, and I can't see how we would be able to prosecute in court without a constitutional challenge to the intent of unknowingly. And I'm just using that as an example. I mean, we would not be able to prosecute somebody who unknowingly conducts, aids, allows, permits, or condones, because that would be an intent that is not recognizable by...under the law.

COUNCILMEMBER KING: Okay. So even though we're going on the fact that it's illegal for underage persons to drink, and that knowing...I mean, I was told originally by the Coalition, knowingly or unknowingly, the person responsible would be the person who owns...or either owns the property or has their name on the lease. And so is that the issue that you have a problem with?

MR. RIVERA: Well, if the intent...and we call it the mens rea. The intent goes to each element of the offense. And I equate this...and I understand there's strict liability. I like that part, I think that part is what's going to really help this proposed Maui County Code. And I equate this to sexual assault. When a person sexually assaults a child under the age of 14, the way that statute would read is, a person who knowingly



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engages in sexual penetration with a child under the age of 14, and that person is strictly liable for all the intent and circumstances. That way the act, he knowingly does it, but he doesn't have to know her age, and that's how this statute...I'm trying to parallel it with how it could read. You don't have to know, which is where the unknowingly comes in, but you don't have to put it in the statute. You don't have to know the age, you're just strictly liable. If you have kids at a gathering, and the kids either possess or consume liquor, you're liable . . . *(timer sounds)*. . . it's your responsibility to make sure none of those kids possess or consume intoxicating liquor, and that's strict liability. Without putting the word unknowingly in...once you put the word unknowingly in, you're asking the judge to make a determination. Can he be prosecuted on strong constitutional grounds that he didn't know what he was doing. And that's a problem with this...with the language.

COUNCILMEMBER KING: Okay, with the language. Okay. But you're in favor of the strict liability.

MR. RIVERA: No, I think you need the strict liability in there. Otherwise...and that's why we have it in our sexual assault statutes. It doesn't matter whether or not the offender knew the age of the child, he's strictly liable and it's their . . . *(inaudible)*. . . to find out.

COUNCILMEMBER KING: Okay. Well, thank you for that. I think my times up. Thank you, Chair.

MR. RIVERA: Thank you.

CHAIR MOLINA: Thank you, Member King. Let's go to Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. In a previous career, I used to wait tables. So, you know, I get it about alcohol. It's kind of a money situation. It wasn't really about the food, it was about selling the alcohol, and that's where a lot of the money came in. And so, you know, I appreciate that we're trying to keep the youth safe, but I think, you know, it can be dangerous for everybody if you drink too much. There's a lot of folks that can handle their alcohol, and there's a lot of folks that cannot. I just was...my question is for the Coalition. If they were concerned about any unintended consequences...well, I'm not of the idea that, you know, if kids are going to drink, they're going to drink, and have it be at a house where the parents can oversee the activity rather than, you know, down the beach or at a park after hours. Is there any concern that doing this would push it underground in a way that, you know, they'd be out unsupervised, possibly drinking and driving, you know.

CHAIR MOLINA: Ms. Chang, from the Coalition, your response to Member Paltin's question.

MS. CHANG: Yes. Hi. That's a really great question. There is Social Host Ordinances that have been enacted across the nation, and there's no evidence that shows that enacting a Social Host Ordinance pushes the underage drinking to a different area. Youth

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surveys and from one-on-one interviews, youths tell us that...I mean, they're going to drink where it's most convenient, and it's most convenient at home where they know where the beers are, they know where the liquor cabinet is. It's much harder for them to get in a car and drive a long distance to somewhere and try to figure out, you know, all of those logistical things to drink. They're just going to go for the most convenient place first, which is the home. And we don't want to make drinking convenient for minors, you know, we want to keep them safe. So thank you so much for bringing up that question because it is something that we have researched and discussed before. So thank you.

COUNCILMEMBER PALTIN: And then would Police Officer Phillips, I believe, you know, sometimes when the message is coming from the police, it's a little bit...certain sections of the population that want to drink don't want to hear it from the police. I just was wondering if you have ever considered different speakers or educators in addition to the resource officers? Because I'm sure there's some folks that do listen to the resource officers, but I'd image there's kids that want to drink that don't care what the police have to say, and if you've considered like, you know, people that can connect and that the kids can relate to more in holding education and awareness and the dangers of underage drinking and whatever else it may be.

CHAIR MOLINA: Sergeant Phillips.

MR. PHILLIPS: Yes. Thank you, Councilmember. . . . *(timer sounds)*. . . We do have counselors that are within our division that also assist us in presentations. And I know it from firsthand experience when I was an SRO and not the SRO supervisor that we also utilized at schools a variety of different community groups, such as the Coalition, other outside groups. We always, when we do family nights, it's just like we have a police officer talk, and then we have a different perspective talk. So I think schools do a good job of trying to kind of cover all the bases when it comes to education for the kids.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Before Chair recognizes Member Sinenci, Chair would like to recognize the presence of Councilmember Sugimura to our proceedings this morning.

COUNCILMEMBER SUGIMURA: Aloha and good morning, everybody. I was at the blessing for the brand new bus shuttle in Wailuku Town. So congratulations to everybody, and thank you for allowing me to be late. Thank you.

CHAIR MOLINA: And Member Sugimura, upon the completion of Mr. Sinenci's inquiry relating to the bill, Chair will recognize you if you have any questions as it relates to the bill to any of our panelists and resource personnel. Okay. Mr. Sinenci, you have the floor.

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COUNCILMEMBER SINENCI: Mahalo, Chair Molina. Yeah. Just a quick question for yourself. You mentioned that there would be no action taken today, and I just wanted to get your plan.

CHAIR MOLINA: That is correct, Mr. Sinenci. The Chair's intent was just more information and comment gathering at this point as it relates to the bill, but I will certainly bring this bill back later on during this term for possible legislative action.

COUNCILMEMBER SINENCI: All right. Thank you. And mahalo to all the panelists today for their great works and all their efforts in keeping our children safe in Maui County. So mahalo nui. My question was for Officer Phillips. Do we still continue to have the DARE Program within our schools? How long has it been, and is it being continued?

MR. PHILLIPS: Yes. Thank you for that question, Councilmember. We do still have that DARE Program. As far as the exact date that it started, I couldn't give that to you. I know it was a long time ago because I did DARE as a kid too, here on Maui. But we are looking at transitioning from there possibly to this other program, the LEADS program, that we are hoping enact next school year when the school year is a little bit more of a traditional school year. We've already sent a few officers to get trained on this LEADS program, and we're looking to send more possibly if we can. Of course, the situation with COVID will determine some of that as well. But what we've found in our research is that LEADS looks like it will be a very promising program and perhaps educate our keiki better in the future. And after discussions recently with the Complex Area Superintendents for all of our schools in the County, we look like we'll be shifting that to the seventh grade level instead of in the elementary schools where DARE is usually found for the most part. We kind of agreed as, you know, as police and with them as the educator's side that seventh grade seemed the most appropriate age to go a little bit deeper into alcohol, drug abuse prevention, and a variety of other topics. The good part about the LEADS program is it can be tailored from K through 12th grade. They're the only program that I'm aware of that actually offers that tailor ability to each single grade level. So it really depends on manpower and how much time we can invest. And we felt that seventh grade was a good place to start with the LEADS program, so that's our plan going forward.

COUNCILMEMBER SINENCI: And Officer, are you guys properly funded for the program to continue, or has there been any like cuts in funding or that kind of thing?

MR. PHILLIPS: So far, I believe we are still good to go as far as funding for the program. The Department of Education gave me some verbal commitments that they are going to pay for like the workbooks for the kids when we start to expand this program in the seventh grade level. And we are looking at, of course, funding our officer's time for each school that is going to be teaching this. It's just more a matter of manpower. Like always, you know, we're like a lot of other police departments around the nation, we're always short on personnel. So as soon as we get enough personnel, we can

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expand the program more.

COUNCILMEMBER SINENCI: And I, kind of like Member Paltin, you know, some of the children that I've taught, they are kind of intimidated by having the SRO on the campus. And so sometimes, you know, just having that presence there or maybe having that relationship with the keiki, you know, kind of getting them...because children will normally open up if you set a rapport with them. And so having that education between some of the SROs and the children will definitely help. Do you guys wear the uniform, or is there like a . . . *(timer sounds)*. . . polo or something you guys wear in the school?

MR. PHILLIPS: Currently, and for the past few years, we do wear our full uniform at the school. And the reason being is we want the children not to only identify with us as we build the rapport with them at our individual schools, but also them to recognize that when they see this uniform, they can go to us for help. And we're not there to hurt them, we're there to help them.

COUNCILMEMBER SINENCI: Okay. Real quick, yes or no. Do most schools have a drug free zone signage before you enter campus?

MR. PHILLIPS: Yes.

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

CHAIR MOLINA: Thank you, Member Sinenci. And you know, many of us grew up in that era where our parents scared us by telling us, oh, watch out for the police. But I appreciate this new approach where your police should be looked as more of a friend, maybe even a surrogate parent. But I see Chair Lee smiling because I think...and maybe Member Hokama because I know we used to be scared of you guys, but now it's...I like the whole new approach. The police is your friend, they're there to be a mentor and help you and assist you with whatever. All right. Councilmember Sugimura, you have three minutes to go ahead and ask questions of any of our resource personnel or the panelists.

COUNCILMEMBER SUGIMURA: Thank you for bringing this up, Chair Molina. Thank you very much. I just wanted to welcome...nice seeing Layne Silva here from the Liquor Commission. I'm wondering what the Commission, I don't know if you took the subject up, but what is the position on this?

MR. SILVA: I'm sorry, what do you mean by the position?

COUNCILMEMBER SUGIMURA: Oh, yeah. How does the Liquor Department look at this proposed Ordinance?

MR. SILVA: Of course, it's a great plan. We're, you know, we totally back any legislation or

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any proposals that can help support or prohibit, you know, the minors from receiving any kind of liquor and consuming liquor, whether within licensed premises or outside of the licensed premises. We're in full support.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much. Nice seeing you here.

MR. SILVA: Thank you.

COUNCILMEMBER SUGIMURA: I just wanted to make a statement. Brandon from the Police Department, Brandon Phillips, I've had the privilege of listening to him as he's spoken to kids, and he has a really strong message and experience that he's very engaging. So continue on with your good work, Brandon. Nice seeing you here.

MR. PHILLIPS: Thank you.

COUNCILMEMBER SUGIMURA: And then I also wanted to ask Corp. Counsel if there is...I'm sorry if you've already talked about this...is there HRS, Hawai'i Revised Statutes, State laws already in place regarding this issue?

MR. MURAI: Mr. Chair?

CHAIR MOLINA: Proceed.

MR. MURAI: Yeah. This is Deputy Corp. Counsel Gary Murai. There are some third-party liability laws that fall within the tort statute, Chapter 663. And of course, there are also liquor laws prohibiting the sale or provision of alcohol to minors. So, you know, going back to some of the comments by Mr. Rivera and Mr. Silva, as well as Officer Phillips, is that there are other statutory and liquor rule provisions that do prohibit the sale or provision of alcohol to underage drinkers. And as I understand it, what this does is it focuses on a particular area of concern, which is people who host house parties where alcohol is provided. So, you know, the social host could also be liable for other crimes, in addition to allowing minors to consume alcohol at their homes.

COUNCILMEMBER SUGIMURA: So Gary...Mr. Murai, is there...I tried to research this. Is there an existing Hawai'i Revised Statute law particularly talking about this, or is this a brand new subject? As far as the host responsibility?

MR. MURAI: I'm not aware of any other statute that specifically addresses this issue, which is why I understand it is being brought up.

COUNCILMEMBER SUGIMURA: Okay. I wondered about that. And Chair, I'm wondering if Wendy Stebbins, who handles the Project Grad in the Department of Housing and Human Concerns . . . *(timer sounds)*. . . if you could ask her, when this comes up again for comments, on the impact that her program has had for prevention of big parties, or whatever data they have collected because we have funded it for many years. I wonder

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if you could do that when you bring this up. And then my second and last question, I know I ran out of time, but I wonder if you would take this into a public meeting so that the community can have a say on this if you think it's important. So those are the two things that I wondered. Thank you.

CHAIR MOLINA: Okay. Thank you very much for your questions, Ms. Sugimura. First with regards to Ms. Stebbins, we'll have Committee Staff forward that question to Housing and Human Concerns.

COUNCILMEMBER SUGIMURA: Thank you.

MR. MURAI: Mr. Chair? I'm sorry, Mr. Chair.

CHAIR MOLINA: Mr. Murai?

MR. MURAI: This is Gary Murai again. You know, what Councilmember Sugimura mentioned about Project Grad, I believe that program is now handled in the form of a grant to MEO.

COUNCILMEMBER SUGIMURA: Oh, that's right. Administered by them though yeah?

MR. MURAI: So it may not be Ms. Stebbins as the most appropriate person to...

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Murai. We'll look into that. As far as an evening meeting, I'll certainly consider it, but we'll see first how this bill progresses as we get to our next meeting on this.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: And...thank you. My...just a quick question for Mr. Silva from the Department. And first of all, congratulations on being one of the finalist for the Liquor Director. Typically, for the Liquor Commission, in setting the agendas, is it typically the Director and the Chair of the Commission that set the agendas for Liquor Commission meetings?

MR. SILVA: Actually, I believe those are...it's communicated between the Secretary to the Boards and Commissions in cooperation with Corp. Counsel. Right now, I couldn't tell you exactly how involved the Director is, I'm hoping to find out. However, I'm sure the Chair does also have some input as well.

CHAIR MOLINA: Okay. Thank you. And the reason I ask that is prior to the next meeting on this, I'm hoping that if the Commission...this could be put on their agenda to at least review and get comments from the Commission itself, as well as the Department.

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So it would be good...I think it would be helpful for the Members to hear the perspective of Commission Members as it relates to this bill. So thank you.

MR. SILVA: Absolutely, and thank you very much. I appreciate it.

CHAIR MOLINA: Okay. Thank you. All right. Members, Chair will give you...we'll do a one minute, one question. Anybody want to go take a shot at this for anymore, one follow-up question for any of our resource personnel or panelists? Let me go back to Member Kama.

COUNCILMEMBER KAMA: I have no more questions. Thank you, Chair.

CHAIR MOLINA: Thank you. Let's go to Chair Lee.

COUNCILMEMBER LEE: No more questions. Thank you.

CHAIR MOLINA: Thank you. All right. Let's go to Mr. Hokama.

COUNCILMEMBER HOKAMA: Thanks, Chair. Quickly, I think your proposal on cost recovery is good. My thing is if we do it three times within twelve months, you're telling us something, which means you're ignoring us. So I don't have a problem with stricter penalties on the property owner or the responsible party, Mr. Chair. So, you know, \$1,000 to start is okay with me for first offense. I mean, I heard the Members say, how serious do we want to be? We can blame the kids all we want, but if the parent never grew up, hard for a parent to teach a kid. And if the parent is drinking and not grown up, how the hell do they even...well, that's my problem with the current status of family, Chairman. So thank you very much.

CHAIR MOLINA: Points well taken, Mr. Hokama. Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If we're seeing like, rises in like lots of alcohol, like alcoholism, I think that's a reflection of our society not doing a good enough job at uplifting our community from them having to cope with something to deal with this life that they have. So my question for whoever wants to answer is, you know, a lot of the education...I went through DARE when I was in elementary. They teach, you know, like strictly no alcohol, it's illegal, right, underage drinking. So is there any kind of education for, you know, when the youth do find them in a situation where there is underage drinking, how to deal with that situation. I don't know if anyone can provide information on that.

CHAIR MOLINA: Sergeant Phillips or Ms. Chang from the Coalition?

MR. PHILLIPS: Councilmember, I can only speak from, you know, the Police Department and the different program we're involved in. We did a pilot program of that LEADS program I was referencing earlier. And part of that program is about decision making,

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and it goes through situations like that, that speak about, you know, just...if you're with your friends and they're vaping, you know, what should you do? Or if you find yourself at a party and there's alcohol, what should you do, those kinds of things. So I think that's why we like that program so much and we're looking to transition into that because it's a little bit more decision making based, rather than some of the old adages of, you know, just say no and all this stuff. I think it's a little bit more contemporary and looks about, you know, not just applying it to drugs and alcohol, but in your life in general, how you need to make better decisions and process information that you have at hand to make a more informed choice.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Sergeant Phillips. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Committee Vice-Chair Rawlins-Fernandez.

MS. CHANG: Councilmember Mike? Can I add to that a little bit?

CHAIR MOLINA: Oh, sure. Go ahead, Ms. Chang.

MS. CHANG: Thank you. So there are life skills programs already in the school as well, and we also have school drug abuse counselors that is available to kids when they need it. We do believe there's lot of issues, you know, deeper issues like Councilmember Rawlins is talking about, and I'm really glad that she brought that up. And education is so important. It's just that from what we're seeing, looking at statistics and surveys and interviews, it's important, but it hasn't been proven to be sufficient. So we're really hoping that this Ordinance can be...can help education efforts in regards to that because we do know that policy changes perception. So, you know, we're just hoping to be an additional tool for our community to really get to our youth and prevent any of these consequences from happening to them because of underage drinking. So, mahalo.

CHAIR MOLINA: Thank you, Ms. Chang.

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

CHAIR MOLINA: Thank you, Ms. Chang. Okay. Let's go to Member King. One minute follow-up question.

COUNCILMEMBER KING: Thank you, Chair. So I guess my question is on the citation if it gets, you know, the language gets fixed. Is there...can you maybe speak to the effectiveness, maybe Brandon Phillips from the Police Department of if these...first of all, will these citations be made public, and do you think that's an effective way of prevention as well. Because I'm harkening back to the days when I think it was Judge Mossman made that decree that if you get caught with certain violations, you were going to stand out in front of the school with a sign and, you know, I thought that was extremely effective. I don't know what happened to that, but is that an effective way of



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kind of managing that the expectations of what...if people know that that's going to be made public, is that a good prevention method?

CHAIR MOLINA: Sergeant.

MR. PHILLIPS: I certainly remember those days as a kid when I would be driving around and I would see somebody standing on the side of the road with a sign saying, you know, for drunk driving or something like that. It might have been effective at the time, I don't know...I think Corporation Counsel or perhaps the prosecutors could speak to the legality of that and if . . . *(inaudible)*. . .

COUNCILMEMBER KING: Excuse me, Sergeant Phillips, I'm not proposing the sign holding, but I'm just saying making the violators, you know, the violations public is that's what being...is that an automatic piece of this legislation, and do you think that that's effective. Because, you know, if you're a business person, you know that's going to be publicized that you, you know, had a violation for letting kids drink at your house. Is that going to deter you from, you know, to make sure that doesn't happen.

MR. PHILLIPS: I think we haven't really had that discussion in depth yet. We certainly can. I think we will have to go through, you know, certainly language provisions with Corp. Counsel and the Prosecutors already so we can include that into that piece. We also have to work out details, such as do we issue a citation on scene if this Ordinance was to go forward, or do we do it like other counties where I have been able to do some research in California where they document a report and then something is mailed to them similar to like other County violations, zoning violations or something like that, that we would mail out from the Department later on to collect that fine or serve as a notice of being fined. So that can be all included together, and it certainly could be useful.

COUNCILMEMBER KING: Okay. It's just a thought because I think that's one of the pieces of a lot of different violations that keeps people from violating this, you know, they don't want it to be made public. . . . *(timer bell rings)*. . .

CHAIR MOLINA: Thank you very much, Member King. And yeah, I know a lot of us remember that. I guess today somebody might call that shaming, voluntary shaming, I guess, if you will, and doing that instead of accepting the consequences of a fine or jail time or what have you. But yeah, that was certainly something innovative, to say the least. Councilmember Paltin, one-minute follow-up question for any of our resource personnel or panelists?

COUNCILMEMBER PALTIN: Thank you, Chair. I guess my question again is for the Coalition and, you know, it goes along the lines of before. With the focus being on underage drinking, is there any thought to just drinking in general. Because, you know, there isn't really a cut-off, say, you drink under 21 and that's illegal, and when you turn to 21, then there's not going to be that same types of consequences. Because

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many college students in their 21s to however old, you know, could also be victims of drunk driving, could also be victims of sexual assault. I mean, with the focus definitely needs to be under 21, but I don't think that it should stop. Like I mean, what is the message for the transition phase when you are legal. Okay. Now go for it, you're legal or, you know, I mean, I think we need to emphasize that regardless of age, the bad consequences of drinking can affect everyone. And so I was just wondering about the messaging for that, you know. Whereas, you know, definitely kids need to be educated because they don't have the experience, but older folks are not immune to the negative effects. And I just was wondering how you guys, or if you guys were doing that.

CHAIR MOLINA: Ms. Chang?

MS. CHANG: Hi. Aloha again. Let me click on that light, it's dark. Yeah. So we are the Maui Coalition for Drug Free Youth. So our focus is on children 18 and under, or under 18. But every time we look at the problems regarding alcohol in our community, we try to create solutions that will last long term. Our goal is always long-term change. Changing social norms, things like that. So although we don't focus on children particularly aging out of that minor category, we hope that the education that the Coalition provides right now will carry on as these young people get older. A component that our Coalition has that has been really solid is our Maui Nui Youth Council. And I mean, you got to hear from Tyler, who is no longer in high school, and he's not past that over 21 age yet but, you know, we see the kids in our Youth Council continuing on with this trend of refusing to put themselves in positions where it could be harmful in regards to alcohol. So again, when we...although we target underage kids, we are thinking long term. So we're hoping that carries on and extends throughout the community.

COUNCILMEMBER PALTIN: So basically there is an emphasis that the negative consequences are not just due to the illegality of underage drinking, that the negative consequences apply to all. . . . *(timer sounds)*. . .

MS. CHANG: Yes. Absolutely.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Member Sinenci.

COUNCILMEMBER SINENCI: Chair, I just had a follow-up clarification question for Mr. Hayashida. He mentioned that should any of the social hosts be sued for anything that happened at the home that their property would...property insurance would kick in?

CHAIR MOLINA: Mr. Hayashida?

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MS. ESPELETA: I'm sorry, Mr. Chair. Mr. Hayashida had another meeting and had to leave the call. So if Members had any follow-up questions, perhaps we can send a letter to him?

CHAIR MOLINA: Okay. Will do. Councilmember Sinenci, apparently Mr. Hayashida had to leave, but if you allow me as the Committee Chair under my signature, we can forward your question to Mr. Hayashida for a response.

COUNCILMEMBER SINENCI: Yeah. It was just a clarification. Thank you, Chair. Mahalo.

CHAIR MOLINA: Okay. Thank you. All right. Member Sugimura, one-minute follow up.

COUNCILMEMBER SUGIMURA: I see Jan Shishido on this call, who used to be Deputy Director for Housing and Human Concerns, and I think this was one of her projects that she was working on. Jan, are you there, would you like to make a statement about this host...Social Host Ordinance? Oh, there you are. Hi, Jan.

MS. SHISHIDO: Hi, Yuki Lei. Hi, Councilmember Yuki Lei. You know, yes, in my opening statement I actually referred to coming onboard with the Department of Housing and Human Concerns with a grant from the State Alcohol and Drug Abuse Division. And yes, it was a time when we really were looking at mobilizing change in our community. And as you know, we progressed where it was time for us to stop talking about it and stop looking at the effects about the consequences, but it was time to focus on the safeguards for our youth, and to get a little bit more serious in regards to helping enforcement with better tools, and just be able to help our community and educate our community in regards to underage drinking prevention. And thank you...

COUNCILMEMBER SUGIMURA: So you're looking at this positively.

MS. SHISHIDO: Oh, yes. And I think you were part of that great time as well.

COUNCILMEMBER SUGIMURA: That was fun.

MS. SHISHIDO: As we move forward. Thank you.

COUNCILMEMBER SUGIMURA: Yeah, we did the Be a Jerk Program and you know, Layne Silva, I actually had spoke at one of your Liquor conferences, talking about the County of Maui Be A Jerk Alcohol Prevention for Youth Program. So, yeah, I have a lot of experience and deep passions to when it comes to this. So, thank you, Chair. Thank you. Nice seeing you, Jan. Nice seeing you.

MS. SHISHIDO: Thank you.

CHAIR MOLINA: All right. Thank you very much, Member Sugimura. Well, Members. I think we'll call it a day for this item. There was a lot of...you asked some very good

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questions of our panelists and resource personnel. And to our panelists and resource personnel, you provided us some very excellent information. And no pun intended, but some of that information was quite sobering, if you know what I mean. So, you know, at a later point, as I stated earlier to you, to everyone, we're going to bring this matter back most likely next month for possible decision making. And in the meantime, Members, if you have questions, you can either ask those questions on your own or you can go through the Committee to get that information or responses to your questions from all of our County personnel, as well as the Coalition. So I want to thank all of you for your participation today. So Members, if there are no objections we will defer Item GET-60. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

CHAIR MOLINA: So ordered. All right. Members, looking at your faces it looks like you guys need a break. You've been working very hard this morning. So let's take a recess. It's 10:47. Let's return to our GET meeting at 11:00 a.m. GET meeting for October 6, 2020 is now in recess. . . . *(gavel)* . . .

**RECESS: 10:47 a.m.**

**RECONVENE: 11:03 a.m.**

CHAIR MOLINA: . . . *(gavel)* . . .

## **GET-25 AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS (CC 19-24)**

CHAIR MOLINA: The GET meeting for Tuesday, October 6, 2020 is now back in session. Thank you very much for that well needed recess, Members. We've got a couple more items on our agenda. Chair again would like to inform you, I'm a little bit under some time constraints, so I'm hoping we can wrap things up by 11:45. During the break, Member King had mentioned the possibility of consideration for deferring GET Item 25. I'm amenable to that, and I am open to bringing this back on October 20th, Members. So before we proceed with our next scheduled agenda item, which is GET 61, based on the suggestion from Member King and your Chair, are there any objections to deferring GET Item 25, which relates to amending Chapter 2.56 of the Code which relates to the Board of Ethics Advisory Opinions? Any objections to deferral?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

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CHAIR MOLINA: So ordered. Okay. We will defer GET Item 25 for today and bring this back on October 20th. And thank you, Member King, for that consideration because I know you had mentioned to me that we have a nominee later on the agenda. So we want to make sure that the nominee is here and not run out of time where we would have possibly had to consider deferring that. So thank you for being considerate.

COUNCILMEMBER KING: I'm anticipating in advance, Chair.

CHAIR MOLINA: This Council...of course we're a very verbal Council, we love to talk and, you know, sometimes we forget about the time, but that's all good.

## **GET-61      CONTACT TRACING APPLICATIONS (MISC)**

CHAIR MOLINA: All right. Let's go to GET Item-61, which relates to a matter that was communication or correspondence received first from the County Clerk transmitting the matter relating to Contact Tracing Applications. And then we received a correspondence dated September 30, 2020 from Council Chair Lee, transmitting an informational document which relates to the Council's legal obligations, liabilities, or responsibilities to approve the use of a contact tracing application before it is made public or within the County. As you recall, Members, back on...

COUNCILMEMBER KING: Chair, just point of information?

CHAIR MOLINA: Go ahead, Councilmember King.

COUNCILMEMBER KING: I'm sorry to interrupt, but just on this item, I wasn't sure if there was supposed to be legislation. In Granicus I clicked on legislation text and there's only like a cover page there. And there's nothing, it just says 1 of 1. So is there supposed to be legislation attached to this item?

COUNCILMEMBER LEE: No.

CHAIR MOLINA: Not to my understanding, but I'll...what we'll do, Member King, we'll go ahead and recognize Chair Lee to give us some opening comments on this matter.

COUNCILMEMBER LEE: Okay. As most of you would recall, at the September 11th meeting, a Resolution was presented on this topic of the PERSEUS app and...which means Planned Emergency Response System Engaging Unified Support, PERSEUS app. And the Resolution was passed by a vote of five to three. Member Kama was not there, so five to three. And my concern was that it would not obligate the County in any particular way. So what I asked for was for this item to be sent to Committee so that I could ask for Corp. Counsel's opinion, and Corp. Counsel verified that the Ordinance . . . the Resolution that was passed on September 11th was symbolic, and that it does not obligate the County Council. Because I was concerned about that part, you know. If the Mayor wants to proceed working with those organizers of the

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app, that's fine, but it's not going to obligate the Council in any way. So that is pretty much what's on your Granicus. It's a response dated September 29th from Keola R. Whittaker, Deputy Corporation Counsel, who does provide an opinion on this issue. And so if Members have no objections, Mr. Chair, I would recommend that this item be filed.

COUNCILMEMBER KING: Chair, can I just clarify that there's no...because there's an item on Granicus that says legislation text. And that was really my question, I understand everything else you just said, and agree with the fact that we've already passed the Resolution, but is there any legislation, or is that just some kind of placeholder?

CHAIR MOLINA: My understanding, this is more...the request from Chair Lee was more of a clarification from Corporation Counsel. And at that Council meeting where we were discussing the proposed Resolution from Member Paltin, it was suggested that this matter go to her Committee, PSLU Committee, as well as this Committee for further discussion and possible presentations from those who would like their applications to be considered by the County. So as far as I'm aware, no proposed legislation, per se. Now how that got into Granicus, we'll take a look at that. But for today's purposes, the options we have is to file the communication as recommended by Chair Lee, and also maybe if Members...if you like, if you'd like to hear more perspective from Corporation Counsel, I'll allow that. You did receive a September 30th communication from Corporation Counsel with...memorializing their position on this matter. So what I'd like to do right now before I entertain any more questions, if that is the will of this body, I'd like to recognize Corporation Counsel to further expound, if need to, on Chairman Lee's inquiry. I guess, Ms. Whittaker, or Ms. Lutey...Mr. Whittaker, excuse me, or Ms. Lutey. Mr. Whittaker, thank you for joining us. Please add your thoughts to this matter.

MR. WHITTAKER: Thank you and good morning, Chair, and good morning, Councilmembers. Ms. Lutey is in an arbitration, so I'm here to respond to your questions today. The request from Chair Lee asked us to set forth our legal opinions on the limits of the Council's power to adopt a contact tracing application, but also, you know, what options the Council has moving forward with potential contact tracing applications. So we had to make certain assumptions about what the agreements relating to these contract tracing applications would require. We got that information from publicly available materials. We haven't reviewed any specific contracts. So this opinion is just based on what's publicly available. But I'm here to respond to any specific questions.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. Members, we'll do just one quick round if you have any questions for Corporation Counsel on this matter. I see Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Thank you very much, Mr. Whittaker and Ms. Lee for bringing this for clarification. But I remember during the Committee

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meeting with Tamara's Committee, the presenters of the software said they took our Reso and took it as we were an entity that allowed them to move this forward. Am I mistaken that that was, I think that's what his said, although our Reso was to ask the Mayor to look into it. Anybody have a recollection about that? So he didn't do that. I could have sworn he said that he took the Resolution that we had passed, and that we were an entity, and any entity could then enact...he could use it to have Google and...to activate this, Google and Apple to activate the app. Am I mistaken?

CHAIR MOLINA: Anyone want to chime in on that? Member Paltin.

COUNCILMEMBER PALTIN: The Reso specifically said it...as amended, the Mayor or any appropriate government entity, and he did take that and turned it into Apple and Google per their guidelines.

COUNCILMEMBER SUGIMURA: Which means he used it to activate Apple and Google? So I'm correct then?

COUNCILMEMBER PALTIN: If...well, like how Mr. Whittaker said, he doesn't know the details about the Apple and Google situation, but yeah. That's what they did. Turned it in.

COUNCILMEMBER SUGIMURA: So is that authorized, Mr. Whittaker?

COUNCILMEMBER PALTIN: Authorized by us in the Resolution.

MR. WHITTAKER: I'm not sure what PERSEUS would consider what they need in order to move forward with the application. I imagine that in order to get permissions from Google and Apple to use their API, they need a government entity involved. My understanding is that the County of Kauai is doing a pilot program with them, and so they have that governmental authority, and so they may use the Resolution. This is again, just a guess to get certain permissions from Google and Apple to use their API, but I'm not sure.

CHAIR MOLINA: Member Sugimura, is that response...

COUNCILMEMBER SUGIMURA: Yeah. My questions were being answered.

CHAIR MOLINA: Okay, great. Okay. I saw Committee Vice-Chair Rawlins-Fernandez with her hand up, followed by Chair Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And so two things. One, the in conclusion to the memo that we received from Corporation Counsel signed by Ms. Lutey says that the Council does not have the authority to require the adoption or use of any particular contact tracing application through this Resolution. So that wasn't something that we were trying to do, which is require. The discussion was solely

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offering it as an option for anyone who would like to use it voluntarily. So that's a really important distinction between the memo that we received with their opinion on this. And to respond to Member Sugimura's question, yes. As a government entity, what was represented to us was that with our approval--and that's what the Resolution said--that we support this application, and we urge the Mayor to also support it. And so with that Resolution, we said that we supported it, which...I can't remember his name, but which the PERSEUS representatives said to us that that would be sufficient for Apple and Google to make the application available. So at no time is it required by anyone in the community to put on their phone or any kind of electronic device, but it's an option that anyone who would like to voluntarily use could. And I'm not sure if, you know, all of that was then like followed through on and now it is available...and it looks like Member Paltin has an update.

CHAIR MOLINA: Okay. Go ahead, Member Paltin if you'd like to provide an update to Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Oh, no. I don't have an update. Sorry. I just was waiting for me after her.

CHAIR MOLINA: Okay. We'll get to you when Committee Vice-Chair Rawlins-Fernandez is done with her inquiry. So would you like a response from Mr. Whittaker on that?

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

CHAIR MOLINA: Okay. So you were just making some general comments and statements on that. All right. Thank you for that. All right. Member Paltin, you're next.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair Lee was next.

CHAIR MOLINA: My apologies. Yes. Sorry about that, Member Lee.

COUNCILMEMBER LEE: No. I was just going to reiterate what Vice-Chair Rawlins-Fernandez said. The upshot of the Resolution encourages the Mayor to pursue this. And as far as I can see, there's no liability to us. That was my concern. That's all I have. Thank you.

CHAIR MOLINA: Thank you. And it is a non-binding Resolution, as far as I interpret it. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. All I've got to say really is, you know, we're planning to open up the State supposedly on October 15th. I don't know if the Mayors have signed on to what the Governor is proposing. I know that, you know, a second test upon arrival would be a much smarter way to go than the current proposal of 72 hours before travel but, you know, I guess it would pose, you know, with so many small businesses shutting down, we're in an economic crisis. We don't want to



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compound the economic crisis with a medical crisis. So my question would just be, why would anyone restrict community member's freedom to access whatever digital tool they wish if it helps make them feel safer and more secure? That's really the question we have right here. There's no...basically no leadership at the State level, other than that they're going open up with a pre-test, and those people traveling on the plane are going to be in an enclosed space where the seats are less than six feet apart with other people that may or may not have gotten tested, and we're opening Hawai'i up to that scenario. So my question is why would anybody be against a free optional tool. That's...I mean, I can't understand why people would be against it, you know. We're trying to help our small businesses. We're trying to help the people that lost the \$600-plus up. We're giving away food like two, three times a week. Why wouldn't the people in charge give the people this option, this tool, because we've seen how badly contact tracing has failed on Oahu. We're doing good right now, but it doesn't take much to overwhelm the system, you know. Once it gets into the medical care homes, it's a disaster. My mom escaped Yukio Okutsu home right before the first death, you know. Her roommate died that was there. It's...like, it's serious, and I don't understand. I don't know if anyone can answer that question, but that's my question. Why would anyone restrict the public's access to a tool that can help contain the spread of this disease? Simple question. I don't think there's an answer though.

CHAIR MOLINA: Mr. Whittaker, care to share your thoughts on Member Paltin's question?

MR. WHITTAKER: I think Member Paltin is correct. There's probably no answer, but just to clarify our memo. We do not take issue with the Resolution that was passed, and you certainly have the power to pass that Resolution encouraging the Mayor to adopt this application. In case there's any confusion about that. I wanted to make that clarification.

CHAIR MOLINA: Okay. Thank you for your response, Mr. Whittaker, and thank you for your question, Member Paltin. Anyone else. I see Member Rawlins-Fernandez has her hand up, but anyone else who has not had a chance to ask a question, now's your opportunity. Okay. Committee Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to comment on Member Paltin, that I think it's more of like a policy question than a legal question. That's all I was going to say. Mahalo, Chair.

CHAIR MOLINA: Okay. Your Committee Chair, I just have, I have a couple of questions, more clarification, for Corporation Counsel. So based on your correspondence, you note that the API will be granted only to public health authority. So is Maui County considered a public health authority? I don't think it is, but I just would like a reaffirmation from you, Mr. Whittaker, as far as Corporation Counsel's perspective. So we're not considered a public health authority, right? Even when the pandemic went on.

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MR. WHITTAKER: Yes. That's my understanding, Chair.

CHAIR MOLINA: Okay. And as far as...you know, you further note that the emergency management powers via HRS says the Mayor would have to execute contracts relating to health, medical or related services. So does Chapter 127A of the HRS give the Council any authority to execute contracts in an emergency situation?

MR. WHITTAKER: No. Those powers are given to the Mayor in the Hawai'i State Statutes.

CHAIR MOLINA: Okay. Only to the Mayor, yeah?

MR. WHITTAKER: Correct.

CHAIR MOLINA: Okay. All righty. And I don't know if you have any knowledge of this final clarification. Has anyone asked the Mayor, to your knowledge, to execute a contract for the PERSEUS contact tracing at this point?

MR. WHITTAKER: To my knowledge, no. But I don't know.

CHAIR MOLINA: Okay. Thank you. All right. Members, any last questions before the Chair makes a recommendation on this item? Okay. Seeing none then, the...I'm sorry, Member King?

COUNCILMEMBER KING: Yes, Chair. So I just...I know this was just for discussion and there's no legislation, and I don't know why these pieces keep coming up items in Granicus that say legislative text, and then there's nothing behind them, but I've seen a few of them today. So maybe there's an issue with Granicus. But I just wanted to find out where...I just wanted to make sure that there is...are we...if we file this, then are we okay with what we've done as far as we're not trying to reverse a resolution or undo...because I agree, this is something that people should be able to engage in if they want to, and it was very impressive to me that it actually can also work well with other applications, with other apps, so we're not trying to make it exclusive or anything. But I wasn't sure what...the purpose of this discussion, was it just to file the issue and, you know, I just want to make sure that we're not, you know, revisiting the resolution that we already passed. We're not...

CHAIR MOLINA: Let me do this, Councilmember King, let's ask OCS staff, either Mr. Forrest. If we take action today by filing this correspondence, do we...I guess basically, does it alter the Resolution in any way?

COUNCILMEMBER KING: And also, does it keep it open in PSLU since it was referred to both? So if we filed it in this Committee, it's still open in Member Paltin's Committee?

CHAIR MOLINA: So of an unintended consequence, if you will. Mr. Forrest, any thoughts on

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if we do take action by filing this, will it have an effect on PSLU, the item in PSLU as well?

MR. FORREST: No. The first question was, you know, does it affect the resolution that was already passed. I think that's clear that it does not, and I would think that Corp. Counsel would agree with me. And then as far as the item being in another Committee, again, this...what's before you today was for clarification for Chair Lee, and you got a communication from Corp. Counsel, and you're simply filing that communication.

COUNCILMEMBER KING: Okay. Well, thank you very much, Mr. Forrest, that clarifies the purpose of the item on the agenda today. So I'm good. Thank you.

CHAIR MOLINA: Thank you, Member King. Okay. With that said, Chair was going to offer your recommendation, but instead what I'd like to do, I'd like to bestow that honor to the Council Chair who brought this item to the attention of the Committee to make a recommendation from the floor. Chair Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair Lee, you're muted.

COUNCILMEMBER LEE: Vice-Chair Rawlins-Fernandez, did you have any other question before...

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to offer a point of information to Member...Chair Molina's question about the PERSEUS team going to the Mayors, and the answer is yes. They said they told us they did in April and August and spoke with Keanu Lau Hee and were told that IT was going to be checking it out. I just wanted to offer you that information since Mr. Whittaker didn't have that information, to his knowledge. Mahalo, Chair Lee.

CHAIR MOLINA: All right. Thank you. Much appreciate for that.

COUNCILMEMBER LEE: Thank you. So, Mr. Chair.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER LEE: I move that we file this item.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER KING: Second.

COUNCILMEMBER LEE: And I think we discussed it already enough.

CHAIR MOLINA: All right. Motion has been made by Chair Lee to file the item, seconded by

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Committee Vice-Chair Rawlins-Fernandez. Any further discussion? Okay. Seeing none. All those in favor of filing the miscellaneous communication related to GET Item 25, signify by raising your hand and saying “aye.”

## **COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. 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:    FILING OF COMMUNICATION.**

CHAIR MOLINA: Thank you. The Chair will mark it nine “ayes” with zero opposition. The miscellaneous communication has been filed. Thank you very much for the discussion, Members, on this particular item. And I did say...did I say GET Item 25? I stand to correct that, GET Item 61. Okay, thank you. All right, Members, as I mentioned to you earlier, we did defer action for GET Item 25, which is a matter that was brought to the attention by...of the Committee by Councilmember King.

## **GET-2(45)    NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES) (CC 19-24)**

CHAIR MOLINA: So we will move on to our last item for today with regards to the nomination to the Maui County Commission on Persons with Disabilities, GET Item 2(45). I have...I believe from the Administration we have Mr. Mossman to give us a brief overview on the nominee. And again, just for the Members’ information the 60-day deadline for the Council to approve or disapprove this nomination to the Commission of Persons with Disabilities is November 20th, 2020. So Mr. Mossman, you have the floor to give us a brief overview of the nominee.

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MR. MOSSMAN: Aloha. Thank you, Chair Molina. Aloha, Councilmembers and I'd like to introduce Ms. Melody Uchimura as the Mayor's nomination. She's a graduate of UH Manoa with a degree in Sociology. Just a little background. Presently is employed by Arc of Maui, most recently a Board member of the Horizon Academy Group also, for the disabled. What really impressed us here was her desire to give back to the community and work in this area any way that she could. And with that being said, Melody is our person that we'd love to nominate here.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. And good morning, Ms. Uchimura. I'd like to ask you if you'd like to take maybe a minute just to give us some brief comments as to why you'd like to be considered to serve on this Commission on Persons with Disabilities. Ms. Uchimura?

MS. UCHIMURA: Hello. Can you hear me?

UNIDENTIFIED SPEAKER: Yes.

MS. UCHIMURA: Okay. So I would really like to be on the Commission because as Ipo Mossman said earlier, it's a way for me to contribute and give back to my community. It's an area that I am very passionate about. Obviously, it's...professionally, it's what I do five days a week. I work with persons with disabilities and also, I have a personal connection to it as well. My younger son, when he was in preschool, he attended Imua Inclusion Preschool. And while he was there, he received services, two services. He received speech therapy and occupational therapy. And so I saw him, you know, in that environment and with that support, I saw him thrive and flourish--and he wouldn't be the boy he is today, he's eight years old now--without being at Imua and having support, having services. So yeah, it's just something I'm really passionate about, and I'd just love to help to do more. There's definitely more to do, and I'd like to be a part of that.

CHAIR MOLINA: Thank you very much for your opening comments, Ms. Uchimura and making yourself available for questions from the Committee Members if they have any. Members, any questions with regards to Ms. Uchimura's background information, and any other related questions to her opening comments? Okay, Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Ms. Uchimura, and your willingness to serve. I was really impressed with your background for this Committee, and I want to thank Ipo Mossman for again finding somebody qualified in the community who hasn't already served on our Boards and Commissions because I really like to get, you know, new blood in there. So thank you for that, Ipo. And the only question I have for you after reading your application is, what is a Waiver Coordinator? So what does that mean?

MS. UCHIMURA: That's a great question. I oftentimes, you know, explain my job because some job titles, you can definitely tell what they are, but mine's is a little vague. So as

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the Waiver Coordinator, I oversee our waiver program. Our Waiver Program at the Arc of Maui County means our Home and Community Based Services. So I oversee all of that, and I also manage a small case load of participants as well.

COUNCILMEMBER KING: Okay. But what is the waiver issue?

MS. UCHIMURA: The waiver is just the term they use for home and community services.

COUNCILMEMBER KING: Oh, okay. So it's like a voucher group.

MS. UCHIMURA: It's not a voucher. It's more like a term. I know that waiver has some other kind of meanings to it, but in our context, within our context, it just refers to home and community based services.

COUNCILMEMBER KING: Okay. That was my only question. I was just kind of curious about that.

MS. UCHIMURA: Yeah. But there's no voucher that we have. We work with the Department of Health also to get services for our participants.

COUNCILMEMBER KING: Okay. Thank you so much for that. And thank you, Mr. Mossman again.

CHAIR MOLINA: Okay. Thank you very much, Member King. And just for the Members' information, Ms. Uchimura, should she be approved, will be filling the term...the rest of the term due to the resignation of Patrino Castillo, and her term expired on March...or excuse me, this term will expire March 31st, 2022. So I believe because it's less than two years, Ms. Uchimura would be eligible to reapply for a full five-year term on this Commission if she so chooses to. So I believe that is what you can do if you would like. So just putting it out there for future consideration. Members, any other questions for Ms. Uchimura? Chair Lee, followed by Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER LEE: Thank you, Mr. Chair. Thank you, Mr. Mossman, for your hard work. Ms. Uchimura, this is probably not an appropriate question, but I couldn't help but notice your political affiliation. I didn't think we had any Republicans here on Maui. So...

MS. UCHIMURA: Right. . . . *(laughing)*. . .

COUNCILMEMBER LEE: Good for you. Thank you.

CHAIR MOLINA: Okay. Thank you for that interesting comment, Chair Lee. Appreciate that. Committee Vice-Chair Rawlins-Fernandez, followed by Councilmember Sugimura.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I guess we're striving for diversity in party affiliation too. Aloha, Ms. Uchimura. Mahalo for your willingness to serve on...our community on this Board. So couple of questions. One, do you see any concerns with attendance. I believe this is once a month. And two, what in your background, or what do you...what is your experience with the Commission on Persons with Disability, and how do you intend to contribute?

MS. UCHIMURA: I don't see any conflicts in my schedule. I'm very committed to attending the once a month meetings. I'm familiar with the attendance policy, so that's going to be no problem for me. My contributions to the Committee and the Commission is going to be, you know, basically my experience, my knowledge, my background, my personal and professional knowledge, and also just what I feel like, like I said earlier, there's much more we can do.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response. And then I have one question for Mr. Mossman. Mahalo, Mr. Mossman, for getting us such a qualified candidate. I'm really excited to support her nomination. I noticed that in this Commission there aren't any representatives from Moloka'i. There are two positions that will be expiring next March, so I'd be happy to help you find a representative from Moloka'i.

MR. MOSSMAN: I thank you for that, and I look forward to that.

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

MR. MOSSMAN: Thank you.

CHAIR MOLINA: Mahalo, Committee Vice-Chair Rawlins-Fernandez for that very nice offer to work with the Administration in finding a Moloka'i representative to this Commission. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Welcome, and I too, marvel at your application and your resume, and it sounds like you live and you are totally committed. So I think you'll be a great addition to this Persons with Disabilities. I just want to say that I also know that on this is Nani Watanabe, who currently works with the disabled at MEO, and she does sign language and she's pretty awesome. You're going to also work with somebody dear to some of us or all of us, which is former Councilmember Robert Carroll, and he's in a wheelchair and is amazingly...yeah, amazing person. And John Copeland, who is...he's also in a wheelchair, he's...but anyway. I look forward to your contributions to this community, and welcome. Thank you. I totally support you.

MS. UCHIMURA: Thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Councilmember Sinenci.

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COUNCILMEMBER SINENCI: Mahalo, Chair Molina and mahalo, Ms. Uchimura, for your willingness to serve. Many of our Members were able to jump on last week's Maui Disabilities Alliance forum, so we got to learn a lot about our persons with disabilities. Some of the things that they brought up at the forum was, you know, since COVID-19, a lot of groups that are not getting those services, or some of their services are being cut. So some of the concerns from MDA was for education, having access to virtual learning internet services and also, with our voting elections coming up, access to paratransit, extended hours for paratransit and polling areas, the drop off areas have curbside voting. So what are some of your thoughts with some of their concerns?

MS. UCHIMURA: While I understand the aspect, there are a lot of changes and difficulties right now, not just in the community with the persons with disabilities, but with all of us. And as I can speak for our own agency, the Arc of Maui, we are helping to support all of our participants. We also, you know, we have both people who work and who have jobs here and who live in our homes, and they also live in their family homes. So the people who are living...the individuals who are living in our homes we're doing our best to support them. We help to set up their transportation, and we're also...we're working on helping them with their mail-in ballots, their voting, and we're just trying to support them as much as we possibly can in every area throughout this time. It's very difficult. And we're working also on getting...right now we're working on getting them services, other services because like you mentioned, most services have been cut. So right now, what I'm currently working on with DOH is that some of our participants who are in our Adult Day Health Program, that's the only service they're getting. So if they're not getting that service, they're getting nothing. So they're basically just home, and that's not good for them, and that's not healthy mentally or physically for them. So we're just looking at what alternatives we can do, and what we can get them, and we're very much advocating for that. It's not easy, but we're trying our best.

COUNCILMEMBER SINENCI: Mahalo for that. Just quick question, how many at the Arc of Maui, how much staff do you have there?

MS. UCHIMURA: I'd say overall a hundred on average.

COUNCILMEMBER SINENCI: Okay. Great.

MS. UCHIMURA: I don't oversee all of them, but overall it's about a hundred.

COUNCILMEMBER SINENCI: Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Councilmember Sinenci. I saw Member Kama with her hand up.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Ms. Uchimura. I



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just wanted to follow up on Member Sinenci's question. What is the staff to participant ratio at the Arc of Maui?

MS. UCHIMURA: It depends on the service. So for our Adult Day Health Program...and there's different levels. So for our Adult Day Health Program, it's a six to one, but some have more needs than others such as individuals in wheelchairs, so those are, you know, we have like a two on one sometimes. It just depends on what the service is. So obviously, there's services that are one on one and that's our community services. Right now we're not doing Adult Day Health, but we're working on trying to find alternatives for those individuals. So we're working on getting them the one on one support. But, you know, it's all about the budget, and I know that there's a lot of things to take into consideration. So we're trying our best to advocate for that right now.

COUNCILMEMBER KAMA: So do you all advocate for Medicaid waivers?

MS. UCHIMURA: I'm sorry, you cut out right there, could you say that again?

COUNCILMEMBER KAMA: I said, do you advocate for Medicaid waivers for patients who do not have one...for participants.

MS. UCHIMURA: For participants who do not have like services right now?

COUNCILMEMBER KAMA: Well, to get services, they need a waiver, right, you said. Isn't that what you told Ms. Sugimura that that's what you do, you do waiver services and that's how they get the community based services where they are at Arc?

MS. UCHIMURA: So our agency, we work with DOH, so they're the ones, the Department of Health, that develop the disability division. They're the ones who do the initial intake, and then we're a provider. So I don't do a whole lot of that end, but I hope I answered your question sort of.

COUNCILMEMBER KAMA: Well, I think if you have a Medicaid waiver, you get to get those services that you get from Arc and from other home-based programs.

MS. UCHIMURA: Yes.

COUNCILMEMBER KAMA: But without the waiver, you don't get anything, but I was asking...because I know that if you don't know that there's Medicaid waivers out there, you don't know that you can get help for your kid or for your family member.

MS. UCHIMURA: Right.

COUNCILMEMBER KAMA: So I was just wondering if Arc advocates so that people know that there are services and there is money out there through Medicaid waiver. But



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MS. UCHIMURA: Thank you. Thank you very much.

CHAIR MOLINA: Thank you. And thank you, Mr. Mossman, for your overview as well. I appreciate the Administration's nominee into this very important Commission.

MR. MOSSMAN: Well, thank you. Aloha.

CHAIR MOLINA: All right.

MR. MOSSMAN: Aloha.

CHAIR MOLINA: Aloha. All right, Members, I believe this concludes all of our agenda items for today. Ms. Espeleta, is there anything the Chair needs to be made aware of before we adjourn our meeting?

MS. ESPELETA: No, Mr. Chair. There's nothing further.

CHAIR MOLINA: That's good to hear. All right, Members, thank you all for your hard work, and to the Administration, and to everyone else, and of course, to our hard-working staff. Thank you for making this a very productive meeting today. So with that being said, the GET Committee meeting for Tuesday, October 6, 2020, is now adjourned. . . . *(gavel)* . . .

**ADJOURN: 11:42 a.m.**

APPROVED BY:

**Michael J. Molina**

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

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Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 51 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 23rd day of November 2020, in Wailuku, Hawai'i

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

Terianne Arreola