

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

October 20, 2020

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 9:03 a.m.)

EXCUSED: Councilmember Riki Hokama

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

Michelle Del Rosario, Executive Assistant to Councilmember King
Kate Griffiths, Executive Assistant to Councilmember King
Davideane Sickels, 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
Richelle Thomson, First Deputy Corporation Counsel, Department
of the Corporation Counsel
Iwalani Mountcastle Gasmen, Deputy Corporation Counsel,
Department of the Corporation Counsel
Scott Teruya, Director, Department of Finance
Sananda Baz, Managing Director, Department of Management

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Josiah Nishita, Deputy Managing Director, Department of
Management
Kathy Kaohu, County Clerk
Lori Tsuhako, Director, Department of Housing and Human
Concerns
Jacob Verkerke, Chief Technology Officer, IT Services Division,
Department of Management

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, October 20th will now come to order. As the Committee Chair, I'm Mike Molina. I'd like to wish you all a very wonderful Tuesday morning. And let's do roll call and see who's here with us. All right. Let's see if my Committee Vice-Chair...yes, she is. All the way from Moloka'i, Councilmember Rawlins-Fernandez. Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka mai Moloka'i nui ahina. And I guess I don't know what Chair Lee has, what greeting she has for this morning.

CHAIR MOLINA: All righty.

COUNCILMEMBER LEE: It's coming.

VICE-CHAIR RAWLINS-FERNANDEZ: It's coming.

CHAIR MOLINA: Good morning to you. That's a very nice segue, Committee Vice-Chair Rawlins-Fernandez. Let's go to Chairman Lee, good morning.

COUNCILMEMBER LEE: Mr. Chair, good morning from Mongolia. Ogloonii mend. Ogloonii mend.

CHAIR MOLINA: Ogloonii mend. All right. Ogloonii mend to you and everyone else. Thank you. Let's take a drive out to West Maui and see how our Councilmember out there is doing. Good morning, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou mai Old Lahaina Center and ogloonii mend, makes me hungry for saimin.

COUNCILMEMBER LEE: . . . *(laughing)* . . .

CHAIR MOLINA: Hey, I hear you. I hear you. All right. Thank you. Good morning, Member Paltin. All right. Let's now go drive out to all the way on the east side, let's go see how Councilmember Sinenci is doing. Good morning, sir.

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COUNCILMEMBER SINENCI: Yeah. Aloha kakahiaka, Chair, mai Maui Hikina and ogloonii mend kākou.

CHAIR MOLINA: All right. Ogloonii mend kakou to you as well. And let's go to South Maui, Councilmember King. Good morning.

COUNCILMEMBER KING: Ogloonii mend to you all. Good morning and aloha kakahiaka. It's also beautiful here in South Maui.

CHAIR MOLINA: All right. Fantastic. Good.

COUNCILMEMBER KING: Although we would love the rain though if you want to share some from one of your communities.

CHAIR MOLINA: Yeah. I think we need it all right now. Yeah. Right on. Well, let's see how the neighborhood is doing in Central Maui. Good morning, Councilmember Kama.

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

CHAIR MOLINA: All right. Good morning. And I believe out on Lana'i, I think Member Hokama is going to be joining us soon, and once he gets in, we'll acknowledge him. And Staff, Member Sugimura is...I don't see her on my screen yet. Is she here, Ms. Espeleta?

MS. ESPELETA: Mr. Chair, I do not see Councilmember Sugimura signed in as of yet.

CHAIR MOLINA: Okay. All right. Well, once she signs in, we'll acknowledge her presence. All right. So for the record we have, as of this moment, seven Members in attendance for this morning's GET meeting. And moving on now to Committee Staff, we have Ms. Pauline Martins, our Committee Secretary; Jean Pokipala, Support Staff; and our Legislative Analysts, Shelly Espeleta and Kasie Apo Takayama and also Mr. Wilton Leauanae, I hope I pronounced that right Wilton. Thank you for joining us. And also, our Legislative Attorney, James Forrest in attendance. And we'll have various Members of the Administration joining us for our four items that we have on our agenda today, which is GET-25, which is related to Amending Chapter 2.56 of the Maui County Code, Board of Ethics Advisory Opinions, GET-62, County Records Management System, and we have a litigation matter, GET-11(44), Proposed Settlement Authorization involving Theresa Ann Cox versus County of Maui. And our last item on our agenda for today, GET-63, which has to do with the Appointments to the Commission on Healing Solutions for Homelessness. All right. Members, we're going to begin first with public testimony. And basic rules for our testimony as always, you will be given three minutes to testify and if you hear a bell or the Chair has informed that you have reached your three-minute limit, I will inform you of that. And for those who want to join in on the meeting, don't forget, you can punch in the

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numbers of the link at 551273481 as it relates to today's GET agenda. And if you want to participate by phone, you can dial 1-408-915-6290. And if you don't want to testify orally, you can also submit written testimony and send it to the GET Committee. Okay. I think I've said a mouthful at this point. And again, please be aware, Members, and of course, members of the public, that if we do have any technical glitches, please be patient with us and we'll be sure to try and resolve all of that stuff. So you guys know the drill.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR MOLINA: So let's go ahead and start with testimony today. Ms. Espeleta, please announce our first testifier.

MS. ESPELETA: Mr. Chair, I do not have any individual signed up to testify. However, if there are any individuals, please start your testimony by unmuting yourself now.

CHAIR MOLINA: Okay. All right. Members, at this point we have no one signed up for testimony. Ms. Espeleta, let's leave it open for another few minutes and we'll get into our first item. And I'll check back with you as we discuss our first item. If we don't have any testifiers at that point, then we'll go ahead and close testimony for our GET items today.

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

CHAIR MOLINA: In the meantime, let's go ahead and start off on our first agenda item, which is GET-25, which is Amending Chapter 2.56 of the Maui County Code, which relates to the Board of Ethics Advisory Opinions. And this matter was brought to the Committee's attention by Councilmember King, and it basically has to do to require to the extent permitted by law advisory opinions rendered by the Board of Ethics, that it be posted on the County's website within 30 calendar days from the date of the opinion, and advisory opinions already rendered to be posted on the County's website within a reasonable amount of time. Before I recognize Councilmember King, I'd like to ask Corporation Counsel in attendance with us today, Mr. Gary Murai. Good morning, Mr. Murai. If you could give us a brief overview of this proposal before we recognize Councilmember King. Mr. Murai, are you there? Okay.

COUNCILMEMBER KING: He was here a second ago. Oh, there he is.

MR. MURAI: I'm sorry, I needed to unmute myself and reveal myself.

CHAIR MOLINA: Okay. Well, I'm glad you're revealing yourself and unmuting. Please go ahead, you have the floor.

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MR. MURAI: Thank you, Mr. Chair. Yeah. This is something...the intent and the purpose of Councilmember King's Ordinance will basically codify something that has been an interest and project of the Board of Ethics for some time now. I'm speaking on behalf of the Administration for this matter because I used to be the Deputy Corp. Counsel assigned to the Board of Ethics. So sometime last year, the Chair started an initiative to get to the Board's opinions online, much in the way that the State Ethics Commission and the City's Ethics Commission does, and the Council had appropriated some funds to effect that. Right now, where the Board is at is they are working with IT to see what is the...you know, what it's going to take to get our opinions posted online, you know, are they going to be searchable, or are we just going to publish an index. That kind of things, those logistics are being worked out. But, you know, the Board thinks that it's a good idea. It's something that we think will help County employees and the public understand, you know, how the Code of Ethics is interpreted and enforced in the County of Maui. Some of the opinions, especially the more recent ones, can be posted fairly quickly. I know the Ordinance provides that henceforth, all opinions be published within 30 days, and that's definitely doable. The other part about, you know, posting all the older opinions within a reasonable time, I think that's also very doable. The recent opinions will take a little more...recent opinions can be posted almost immediately because they're in the kind of format, you know, pdf formats that makes it amenable to posting. It's the older ones that are going to be problematic because some of them are...you know, they're in pretty...they're in hard copy, so they're in pretty rough shape, so we need to figure out a way to digitize that. But it's...again, it's all, it's something that is doable, and I know that the Board of Ethics is...they've kind of gotten a head start on this, and it's something, it's an initiative they've already undertaken.

CHAIR MOLINA: Okay. Thank you very much, Mr. Murai. Members, before I open up the floor for questions to Corporation Counsel, I'd like to ask Member King to give an overview. And also, the Chair recognizes Member Sugimura to our meeting this morning.

COUNCILMEMBER SUGIMURA: Good morning, everyone. Thank you.

CHAIR MOLINA: Thank you. Okay. Member King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair, but I think Mr. Murai pretty much gave out all the overview I was going to give, you know, punctuating the point that the City and County of Honolulu had post its decisions, its Board of Ethics Decisions, and the State Commission posts its decisions. So this has been...and the actual Ordinance, if you look at the proposed Bill, Mr. Murai was the one who reviewed it and signed off on it. So, I'm not sure that...there's not too much more to say about it, other than this is something that's being done in other jurisdictions, and the Board of Ethics supports it. One of the reasons this came up is because these decisions are meant really, you know, as pointed out in my discussions with David Raatz, that the opinions are supposed to guide County officers and employees, but they're very hard to access. So,

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you know, these are not just opinions that affect the person that was...had a complaint against them or something, but they're actually decisions that are meant to guide us going forward as well. So that's basically the overview of it. It's not lengthy, it's not complicated, and hopefully Members will support the proposal. Thank you. Should I...Chair, would it be good if I went ahead and made a motion? Or...

CHAIR MOLINA: Let me just recognize if the other Members have questions first, and then we'll go forward with that. And by the way, I would like to express a big happy birthday to Shelly Espeleta, very hardworking Analyst. Happy 19th birthday again.

COUNCILMEMBER KING: Ahh, Shelly. Happy birthday.

COUNCILMEMBER SUGIMURA: Shelly, happy birthday.

MS. ESPELETA: Thank you, Chair and Members.

VICE-CHAIR RAWLINS-FERNANDEZ: How old, 19?

MS. ESPELETA: 19 again.

CHAIR MOLINA: Okay. All right. I saw I think, Member Sugimura. 19 again? Okay.

COUNCILMEMBER LEE: Right, and I'm your classmate. . . .*(laughing)*. . .

CHAIR MOLINA: All right. Okay. Member Sugimura had her hand up. Is this a question for Mr. Murai or Member King?

COUNCILMEMBER SUGIMURA: Either. Maybe Mr. Murai, since he's been working on this. So the old documents, are you saying that they're trying to digitize all of the opinions from a certain point forward, or just from now forward?

MR. MURAI: The ones that...the current opinions, you know, because we're using modern platforms like, you know, Word files and pdf files, are not the problem and, you know, so we'll have...the Board will have no problem in complying with the posting once the, you know, if and when the Ordinance is enacted. And the more recent ones in recent years are probably not going to be a problem either, but we have opinions from 1977. You know, under our current process, for the public or even County employees to access these documents, they'd come to our office, you know, review the index, and they can ask to see the opinion. So it's kind of cumbersome, kind of humbug. With the old opinions, you know, some of them had been photocopied many times, you know, so they're just physically in bad...you know, rough shape. So what the Board is trying to figure out is to...you know, is there some kind of software program that could convert, you know, OCR these things, take the...you know, take this text and kind of like almost like reset it, you know, re-typeset it so that they are...we can make them searchable. If we cannot make them searchable, are they going to, like, just do an

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index or like a summary of the opinions? Those are the kinds of things that the Board is consulting with IT on. And as I said, you know, the Board has a small budget, and I don't know how the Board is going to spend that money. You know, they may spend it on software, on consultants, or, you know, actually paying someone to scan these documents. I hope I answered your question, Councilmember, but...

COUNCILMEMBER SUGIMURA: Yeah, that's exactly what I wanted to know, and I hope that we have provided them enough funding. It sounds like a very important process that needs to happen.

MR. MURAI: Well, the funding they've received for the current year, I think, is about \$7,000. And I don't know how much...whether in the next cycle, the Board is going to request any more. But yeah, that part I don't know about.

COUNCILMEMBER SUGIMURA: Okay. Thank you very much. Thank you.

MR. MURAI: You're welcome.

CHAIR MOLINA: Thank you, Councilmember Sugimura.

COUNCILMEMBER KING: Chair, if I could just add to that?

CHAIR MOLINA: Member King, you want to add to that to...

COUNCILMEMBER KING: Yeah, I just wanted to point out that in the proposed Bill, paragraph B states that: "Advisory opinions rendered prior to the effective date of this Ordinance shall be posted on the County's website within a reasonable amount of time". So, you know, they're working on it, we're not locking them in to having to have it done because 1977 is a long time ago. It's when I graduated from high school. So, you know, I realize it'll take you some time.

CHAIR MOLINA: Yeah, and I thought you were 19 too, just like Shelly. . . .*(laughing)*. . .

COUNCILMEMBER KING: I thought so too.

CHAIR MOLINA: Okay. All right. Let's go to Committee Vice-Chair Rawlins-Fernandez, question for either Corporation Counsel or Member King, and followed by Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I guess my first question was answered. So aloha, Mr. Murai. Mahalo for being with us today.

MR. MURAI: You're welcome.

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VICE-CHAIR RAWLINS-FERNANDEZ: So you said the opinions that are more recent because they are digitized already would be easier and quicker to get up online. So what's the...how far back does recent go?

MR. MURAI: Well, I don't know. I think...I've been...maybe ten years.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. MURAI: And another thing is, even pdf has versions. And the more recent the version, then the more, I guess, workable the document is. Some of the older versions are kind of just like, you know, photographs. But yeah, I really don't...I can't really speak to which ones are better than others, but I would...I think it's safe to say that the older they get, the less useful they are.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, that was going to be one of my follow-up questions. So what is the process as far as if a more current board...and I know, you know, like the facts of a specific case will vary, but if the facts are, you know, close enough where a decision made back in 1977 isn't held by a more recent Board, you know, say in 2019, would the decision or the advisory opinion by the most recent Board of Ethics supersede the older version?

MR. MURAI: That happens every so often, where an opinion that might have been rendered in the '80s or '90s becomes less...I guess less reliable or, you know, facts change, you know, community standards change, the law has changed. And a gift that...for example, a gift that may have been acceptable 20 years ago is no longer acceptable today. So the Board can and does...when the Board receives a request for an advisory opinion, when a County employee is thinking of either starting a business, taking a part-time job, or whether to accept a gift that's been offered, they'll first look at the older opinions and see whether...what the guidance was. And they'll say, okay, well, based on this opinion rendered in 2006, you know, we advise you to follow that same advice. And there have been times when the Board has said no, you know what, we're going to...well, it's not like a court where they overrule older opinions but, you know, they will place it in proper context and issue more current guidance. So while County employees can look to past opinions for guidance, the Board does revisit them when it's appropriate, and will actually modify its prior guidance and well, you know what, in 2020, that advice we gave 30 years ago is maybe not quite right, or really needs to be fine-tuned. I hope that answers your question.

VICE-CHAIR RAWLINS-FERNANDEZ: It does. And so far as like an advisory opinion that's more recent that, you know, perhaps has changed because the law changed, will there be any kind of documentation that goes along with something? You know, so when laws are repealed, there's a note at the bottom that says this law was repealed in 2010 or something. So would there be any kind of like status update to those kind of advisory opinions where laws have changed so, you know, the advisory opinion would probably not be applicable anymore?

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MR. MURAI: You know...well, you're right in that if there was a change in law that could affect older opinions, it would be appropriate for the Board to review its past opinions and perhaps issue a new or superseding opinion. Unfortunately, I don't think the Board...well, for one thing, the Ethics laws don't change very often, and I can't think of an example of, in recent years, where that kind of thing has happened, where the Board has had to go back and say, you know, we're going to modify our past opinion, or we're going to, you know, issue a superseding opinion. That hasn't happened in my experience, and I have to confess that the Board really doesn't have a mechanism for that. But you know, one thing about Boards of Ethics is, you know, their Directors often confer with each other and if we see, you know, changes in the law, then it usually gets put on the Board's next agenda for discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Murai.

MR. MURAI: You're welcome.

VICE-CHAIR RAWLINS-FERNANDEZ: And just one last follow-up. Chair, I have other questions, but I'll yield the floor for, you know, the Members to ask other questions. So our OCS attorney, Mr. Forrest, said that OIP does a good job at keeping...at doing statements when there's any conflict in an older opinion to a recent opinion. So OIP will include a brief statement and a link to more recent opinions on the page containing the older opinion, and I'm assuming that would be on OIP's website not ours. And if that is correct, is that something that we would be able to link up to so that members of the public would have that additional information?

MR. MURAI: Well, I'm not sure about linking up. However, I do note that the Office of Information Practices, you know, their charge is very different than Boards of Ethics or Ethics Commissions. But as far as the Board's ability to do that kind of thing, what we have to remember is the State Ethics Commission, the City's Ethics Commission, and the Office of Information Practices are staffed by...well, they have dedicated staff. They have Executive Directors, Staff Attorneys, Investigators, Clerical Support. Whereas, you know, on the neighbor islands, you know, Hawai'i County, Kauai and Maui, their Boards of Ethics do not have their own offices, their own dedicated staff. In the example of...so for Kauai, Hawai'i County and Maui, they're all staffed by the County Attorneys, who just have them as one of their...you know, one of their assignments, and they usually have one Board Secretary, who is a regular staff member who...you know, who has among his or her many assignments staffing the Board of Ethics. So that's probably the biggest impediment, is staffing resources. So again, those are doable, very much so. All it takes is manpower and funding.

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

MR. MURAI: You're welcome.

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CHAIR MOLINA: Thank you, Committee Vice-Chair Rawlins-Fernandez. Before I recognize Member Kama, Ms. Espeleta, do we have any other testifiers signed up for our agenda today.

MS. ESPELETA: No, Mr. Chair. No testifiers have signed up.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: Okay. Thank you. With that being said then, Members, if there are no objections, Chair will close public testimony for our agenda items today. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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

MS. ESPELETA: Yes, Mr. Chair.

CHAIR MOLINA: Okay. Any objections to the Chair accepting and receiving written testimony for today?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So ordered. Thank you. Okay. Member Kama, you have the floor.

COUNCILMEMBER KAMA: Thank you, Chair.

COUNCILMEMBER KING: Chair, I'm sorry to interrupt, but I just wanted to make a comment relating to Councilmember Rawlins-Fernandez's last question.

CHAIR MOLINA: Okay. Go ahead, Ms. King.

COUNCILMEMBER KING: Sorry, Tasha. I just wanted to say that there was...you know, there have been in the past, and I think was former Chair Mike White had proposed a Charter Amendment which would do what Mr. Murai was talking about as far as allowing an Executive Director for the Board of Ethics and, you know, paid by...you know, the salary set by the Salary Commission and hired by the Board of Ethics. But that discussion didn't really go anywhere, it didn't end up on the ballot. But that kind of a thing would be a Charter Amendment, I believe, to try to change the structure. It might be something we want to look at next time going forward. But I just wanted to make that comment. But I can send you that Resolution if you like. It probably needs some cleaning up, but it's fairly . . . *(inaudible)* . . .

CHAIR MOLINA: Okay. All right. Thank you for adding that to the discussion. Thank you. Okay. Member Kama, go ahead.

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COUNCILMEMBER KAMA: Thank you, Chair. So Mr. Murai, I heard you tell Councilmember Rawlins-Fernandez that the...and help me to understand, that the posting will go back ten years, or the opinions will go back ten years?

MR. MURAI: Member Kama, what the question to me was, of the opinions that we already have --

COUNCILMEMBER KAMA: Yeah.

MR. MURAI: -- how far back, you know, are they in a format that can be readily posted to the Board of Ethics' website. And I said ten years because that's how long I've been...I was advising the Board of Ethics. I probably did it--I'm no longer assigned to the Board, that's not one of my assignments now, but I was assigned to the Board the last ten years. And so therefore, I know that those opinions are all either in a Word or Word Perfect document, which are also saved as a pdf file. I think our...you know, our pdfs may go back beyond that, but the formats may be, you know, somewhat obsolete. And I'm not a tech by any means, but, you know. So our opinions actually started in '77 and they...you know, the old ones, I think in '77 they were still photocopying them with mimeograph machines, you know, the kind you crank like that. So that's how old some of these are.

COUNCILMEMBER KAMA: And so once they're posted, they stay there until how long? I mean, does it ever come a time where you all either trash them or you get rid of them or...I mean, when do they actually die, or they don't? There's no such thing.

MR. MURAI: They have a life of...they last forever. They...well, you know, earlier, like we were talking about, sometimes they are superseded by more recent opinions.

COUNCILMEMBER KAMA: Yeah.

MR. MURAI: But the Opinion Number 77-1, number one is still on the books. And so they never go away. They may be modified over time, but they...you know, we still have records of every single opinion the Board of Ethics has ever issued.

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

MR. MURAI: You're welcome.

CHAIR MOLINA: Okay. Thank you, Member Kama. I know Committee Vice-Chair Rawlins-Fernandez said she had another question or two, but before I recognize her, any other Members have questions for either Member King or Mr. Murai? Okay. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair for this opportunity. My question is just, you know, say...and I think this is a great idea, thank you, Member King. Say an advisory

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opinion is posted on a super simple cut and dry case, and then another situation arises...I mean, it may not happen, but is pretty much basically the exact same case, would it still need to go through the Board of Ethics or like law cases, can they just say like, you know, the previous statute applies or something like that? Because if it were a different outcome for like basically the same exact situation, it's weird.

MR. MURAI: Well, let me put it this way. If you have an advisory opinion on file, and the facts of that matter...the facts of your situation are exactly the same, I think it's safe to say that you can rely on the past guidance of the Board. Now having said that, it's rare that everything is 100 percent exactly the same; if it is, I think it's fair to say you can rely on it. But if you're ever in doubt, then it's...you know, the Board will always tell people, if you're in doubt, come see us. Because what the Board's purpose is is not to punish, but to educate and guide County employees to avoid problems. So when people...you know, sometimes when I used to be assigned to the Board, people would ask that very question, you know, is there an existing opinion on this, and if there is, we'll send it to them. But sometimes that gives us an opportunity to say, you know what, this is not exactly on point. We strongly recommend that you go get an advisory opinion from the Board. The good thing about getting an advisory opinion is if you follow the Board of Ethics' advice, you cannot then later on be subject to a complaint for violating the Code of Ethics if you asked for advice, you got it, and you followed it.

COUNCILMEMBER PALTIN: And if there isn't enough time...like say I'm reading one of the later cases on the agenda today and I'd like to recuse myself, but I can't seek a Board of Ethics opinion between now and that item, is it safer just to say, like, I'd like to recuse myself?

MR. MURAI: You know, that's a tough one. I don't feel...well, Member Paltin, you know, you're a very experienced Councilmember, and I'm not going to...I don't want to punt on that.

COUNCILMEMBER PALTIN: Give me advice.

MR. MURAI: But you know, you folks also have your own, you know...well, you know, Council Rules incorporate the Code of Ethics, you know. Member Paltin, I know you have a good sense of what is and isn't permissible. So on this one, I'm going to put it back on you to say, you just use your best judgment. But getting back to your question about what happens if there's no time, sometimes cannot be helped, the Board is not able to give you advice on the spot. I do want to point out that some...well, for example, I believe the City and the State Ethics Commission, they actually have Staff Attorneys who can field, you know, questions. Just like the Office of Information Practices has their attorney of the day, the bigger Ethics Commissions will have people you can call and ask for informal advice. That's a luxury that our current Board of Ethics doesn't have. So I guess that kind of goes back to what

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Member King was talking about when she referenced former Council Chair White's, you know, past initiative to create an office, you know, with dedicated staff.

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

CHAIR MOLINA: Thank you, Member Paltin. Okay. We'll go back to Member Rawlins-Fernandez for a follow up for, I believe, Mr. Murai, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I'll try to make it quick because obviously, I think everyone supports this. So Mr. Murai, for the \$7,000 that was allocated to the Board of Ethics, that was specifically for digitizing or putting the last ten years of opinions onto the website?

MR. MURAI: You know, I don't know because I haven't been assigned to the Board of Ethics for several months now, but I know that last year when we were...when the Board was discussing that, they were talking about well, do we use it to purchase, you know, a license for a software program, do we use it to, you know, purchase scanners, or whatever the case may be. And to tell you the truth, I don't know what the ultimate outcome was or how the money was spent. I think what to do with it was going to be based on consultation with Susan Underwood at IT.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So since it's been a few months, would you know why the amount of \$7,000 was chosen? Like was it arbitrarily chosen since they are trying to figure out what to use the \$7,000 for now?

MR. MURAI: That I can't answer because I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Because I mean...I guess usually, when you budget for an amount, you have an idea of what you are going to do with the money, that's why you're asking for that specific amount. Okay. Because, you know, I think we all support this effort, and we want to make sure that they are resourced appropriately to carry out this law that we're passing. But it would be good for Council to have an understanding of how much this would cost to undertake. And I think you don't have the answer for that.

MR. MURAI: Well, I'm guessing that it was discussed at the last budget go around, I just was...I'm not saying that the Board of Ethics has no idea how it's going to spend the money, all I'm saying is I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. I guess I have follow-up questions, but I don't think Mr. Murai would be able to answer, so perhaps I can just follow up through written correspondence to the Board of Ethics. Mahalo, Mr. Murai. Mahalo, Chair.

MR. MURAI: You're welcome.

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MOTION CARRIED.

**ACTION: FIRST READING OF REVISED BILL AND FILING OF
COMMUNICATION.**

CHAIR MOLINA: Thank you. The Chair will mark it eight "ayes", one excusal, Member Hokama. The Bill will move forward to first reading on the Council. Thank you very much for that discussion Members, and for moving this forward. Thank you, Mr. Murai.

GET-62 COUNTY RECORDS MANAGEMENT SYSTEM (CC 20-477)

CHAIR MOLINA: All right. Members, we got our next item coming up, GET...let me get my bearings here...GET-62, the County Records Management proposal. And Mr. Murai, it looks like we're going to keep you really busy today. This matter has to deal with County Communication 20-477 from your Chair of this Committee, myself, and it deals with...also deals with a correspondence dated October 14, 2020 from Corporation Counsel transmitting a proposed Bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.84, MAUI COUNTY CODE, RELATING TO MANAGEMENT OF RECORDS." And the intent of the proposed Bill is to amend this section of the Code to repeal the requirement for a Records Disposition Committee, and incorporate any non-substantive revisions. I'd like to ask first...to give us opening comments on this, I'd like to again go to Mr. Murai.

MR. MURAI: Thank you, Mr. Chair. I really don't have...the Members should be aware or recall that what the genesis of this Bill was a problem that we encountered when MPD wanted to revise their records retention practices. And what we ran into was a problem in that this matter needed to be reviewed by a Records Disposition Committee which, to be quite frank, had not been functioning for some time. And although I was not involved in the...I did review and sign off on this, I wasn't involved in the creation of this, but my understanding is that it removes an impediment to departments being able to be a little more agile and modify their records retention policies to reflect current best practices in maintaining government records, you know, whether they're based on laws or, you know, the needs of the County. Some of our records policies are actually very much in need of review. We have records retention policies that do not even contemplate electronic files, for example. So what this does is eliminates that extra step, and I believe makes the departments more responsive. That's all I have, Mr. Chair.

CHAIR MOLINA: Thank you, Mr. Murai. Members, before I open the floor for questions, I've also invited, for comments about this, from the Department of Finance, we have Mr.

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Teruya or Deputy Director May-Anne Alibin. If you guys are out there, would you like to provide some comments on this proposal? Department of Finance, Mr. Teruya?

MR. TERUYA: Good morning, Chair and Members. Scott Teruya, Director of Finance, regarding this matter. I remember in 2019 meeting with Josiah Nishita when he was formerly the Clerk, along with, I believe, Mimi over at Corporation Counsel. I'm not sure if I...Chair, it would be better to start with Mr. Nishita to give more background information, but the little that I know about Custodian of Records, I know HRS 46-43 deems the Finance Director as a Custodian of Records, and I believe existing Code is...the Maui County Code identifies the Managing Director. So maybe Mr. Nishita would have more information to give the Committee so that you guys can make a little (*audio interference*) decision. I'll defer to Mr. Nishita, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Director. Mr. Nishita, if you're with us, if you could provide us some comments on this proposed Bill?

MS. ESPELETA: Mr. Chair, I believe Mr. Nishita had to step away momentarily and return to the call. I do not see him having returned.

CHAIR MOLINA: Okay. Well, you know, I also invited the County Clerk, Ms. Kaohu, and I know she hasn't had time to review the Bill, has been quite busy as you know, but she did say she would provide us comments in writing on that. I did see Deputy Corporation Counsel...Ms. Thomson, you wanted to provide some comments on this? Proceed.

MS. THOMSON: Thank you, Chair. I just, in the chat section I saw that Josiah Nishita needed to hop off this meeting to attend another meeting. So I did just want to provide just brief comments that our Department is looking at all of the records retention policies for the Departments. So Police has updated theirs, but the other Departments obviously need to take a look and modernize their records retention policies. And in addition, we need to modernize and update the general records retention policy, specifically with regard to electronic records. So those are things that are underway in our Department as we speak. So we should be coming back to the body probably early next year with some proposals. That's all I have, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Thomson, for that update. All right. Members, I'm going open up the floor for questions. I want to start off first, I guess, maybe for either Mr. Murai or Ms. Thomson. If Section 2.84.060 is deleted, and this Committee is removed, will the Managing Director have sole discretion of what records are of historical value to the County? So anyone want to comment on that? Because, you know, the historical value or determining historical value of records to the County, just in my opinion, some might say maybe uncomfortable if only one person is making that determination, so...rather than a whole group. But I'm just kind of throwing it out there for additional thoughts. Corporation Counsel, any comments on that?

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MR. MURAI: Mr. Chair, this is Gary. I'll defer to Ms. Thomson because I don't know the answer to your question.

CHAIR MOLINA: Thank you. Ms. Thomson?

MS. THOMSON: Thank you, Chair. So the...in terms of the historical records basically, the County Clerk has certain authority over County records under the Charter, and then also there's this Code Section 2.84. So the historical records, I would say, probably are housed under the County Clerk's purview.

CHAIR MOLINA: Okay. Thank you. And for today's purpose though, since the Police are ready to move forward, if we don't take action, then what? Then they can't do anything yet, right? They're sort of stuck in the mud, so to speak, if we don't take some form of action on this proposed Bill; am I correct?

MS. THOMSON: I'll go ahead and take a stab at that one. Not necessarily, you know, the records retention policies have been updated specifically for Police, I believe it was in 2010 or 2011. So...and those were, you know, vetted through Council and approved. And I don't know because I wasn't involved at that time whether they convened a Committee that they're talking about, you know, with this amendment. Really, where this amendment comes from, would be the changes to State law that kind of removes the requirement for this type of Committee to vet, and then they also reallocated certain responsibilities to the Directors of Finance. So I would say that this Amendment is in line with State law, but if it doesn't get passed today, it's, you know, not necessarily the end of the world.

CHAIR MOLINA: Okay. Thank you for that, Ms. Thomson, I appreciate it. All right. Members, we do have this item and a couple of other items I'd like to get to today, so I'm going to institute a time clock for this item. One three-minute round, and if you really need a final follow-up question, I'll allow for that. So let's go ahead and start. I saw Member Paltin had her hand up. You have three minutes. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I kind of am not in favor of this because I think if the Committee is not established, then I think it should be. I'm finding, you know, a lot of our conditions that we put on Change in Zoning are not being abided by. And, you know, it seems like people don't even know, Kapalua Mauka was supposed to report annually starting in 2007, the County Clerk hasn't received one report yet. And, you know, there's other things like that that I'm finding. I know conditions are supposed to run with the land even after it's sold, and I'm finding that that's not happening as well. So I think to me, I would not support this. I think instead of less oversight of this, we need more oversight, or at least a system that works. So, you know, that's just my position and time.

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CHAIR MOLINA: All right. Thank you for those thoughts. Much appreciated. Okay. Committee Vice-Chair Rawlins-Fernandez, followed by Chair Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I agree with Member Paltin. I have a few questions. So the first is, when was the last time there was a record review company? Mr. Murai said that it hasn't functioned in some time. How long ago was some time?

MR. MURAI: I do not know. It's at least for the ten years I've been working for the County, I was not aware that it had been formulated. That doesn't mean it hasn't, it's just that as to my knowledge, the County's records have not...the records retention policies, except for MPD, have not been revised in some time.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response. Who is in charge...

MR. MURAI: I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Who was in charge, or is currently in charge, of making sure that this Committee is established?

MR. MURAI: Well, there...as to my knowledge, there is no Committee as we speak. You know, I mean, the Ordinance identifies who the Members of the Committee are, but as far as I know, the Committee has not met in some time. But...

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So the Managing Director, Director of Finance, so who makes sure that they meet? Is it the Mayor? Because I mean, the County Clerk is kind of under Council Chairperson of the Finance Committee, I guess that would be me, Director of Finance and Managing Director. So who is supposed to initiate that to make sure that this Committee composed of those people meet?

MR. MURAI: You know, I don't know if it works that way. The way I see this, and this is not based on any experience with it, but my guess is that it's...earlier I was going to say, it's kind of a chicken or egg thing. Which comes first, the Committee or the modification? So I would suppose that once a requested revised policy is submitted, that's when the Committee would meet.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So if this is repealed, who would ensure that the records schedule and process, and is it each department?

MR. MURAI: You know, I'm not sure. And I don't know if Ms. Thomson might know, but I don't want to guess.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then in addition to that question, Ms. Thomson, if this is repealed, what would supplant this, I guess, you know, in line with that previous question?

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MS. THOMSON: Thanks for the question. So . . . *(timer sounds)*. . .

CHAIR MOLINA: Go ahead, Ms. Thomson. You can conclude with your response, and then we'll go to the next Member.

MS. THOMSON: Okay. Thank you. So I agree with Gary that the...generally it would be a department, you know, that has a reason to update their records retention policy, and they would submit that, you know, through the channels. Just for context, in 2005, the Hawai'i Legislature passed its Act 177, and it amended HRS 46-43. And one of the things that that did was repeal the requirement for these types of Committees. Now, I don't have the legislative history on, you know, why the Legislature chose to go that route, but basically, what I see this current amendment that's before you, it complies with State law now, which does not require these records disposition *(audio interference)*. The route that most records...or Police I should say because...and it's the only Department that has updated its records retention policy since...for decades, honestly. So the route that they went is they vetted their policy, and then it came before the Council. So there is quite a bit of oversight in terms of the process as it has been occurring. But there may be some other changes to Chapter 2.84 that need to be done, you know, and that's part of what we're going to take a look at as we review the records retention policy, electronic records, and things like that. So I think this is just one of the changes that may be suggested, you know, going forward, but we're not quite there yet, like I said. We'll probably bring something to the Council early next year.

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

CHAIR MOLINA: Thank you, Committee Vice-Chair Rawlins-Fernandez. Chair Lee, do you have anything...any questions for Corporation Counsel on this?

COUNCILMEMBER LEE: Does it have to be a question?

CHAIR MOLINA: No. Go ahead, you got your three minutes.

COUNCILMEMBER LEE: Okay, Mr. Chair. I'm concerned about repealing the requirement for a Records Disposition Committee at this time. Maybe at a future time it might work, but for now, I think this group should be empaneled again soon and come up with a plan for standardized, organized record keeping and management so that when we deal with the budget, we can propose some kind of...whether it's outsourcing or some, you know, RFP on giving us a clear idea of what the management should look like with all Departments, yeah, of records. And that this...whether or not this management team should, you know, remain is a question. But for now, we don't really seem to have anything of substance that we can call, you know, organized record management. So that's my concern and...but I don't think your Committee or any of our standing Committees should have to deal with this. I think the Record

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Management Committee should get together and figure out a plan for somebody else to come up with, you know, and then come back to the Council with, you know, a concrete proposal. Right now, it's just a bunch of ideas that we're talking about. And, you know, that's really not something that we should be voting on necessarily. We need to get this...I guess this issue has been kicked around for a long, long time because I remember back in the '90s when we wanted the County Clerk's office to work on records management and bringing it up to date. And then when it came time for funding, nobody wanted to fund it. So it's now we have to, you know, make a commitment and stay with it. Thank you, Mr. Chair.

CHAIR MOLINA: And thank you, Chair Lee. Your historical analysis is certainly very valuable to this particular matter. All right. Chair is going to recognize Member Sugimura, you have anything to add to this discussion?

COUNCILMEMBER SUGIMURA: I agree where this discussion is going so we can be more comprehensive. But for Corp. Counsel, I'm just wondering how long...tax purposes, I always used to hear, keep your records for seven years. So I wonder if we have any kind of requirement like that for retention of records.

MS. THOMSON: It depends on the type of records. That's a great lawyer answer, it depends. So certain records are kept forever. So if they are, you know, records such as property records, you know, those kinds of things, originals. So those are kept indefinitely, and then other records are kept for...and it's certain, you know, big classes are seven years, others are ten years, and even others are shorter periods of time, like three years. So it depends on what type of record it is.

COUNCILMEMBER SUGIMURA: Thank you. Yeah, it sounds like we need to have more of a comprehensive picture. Gary has a comment also. We can't hear you.

CHAIR MOLINA: Mr. Murai, can you unmute yourself?

MR. MURAI: Sorry. I just wanted to add that the County does have a current County-wide records retention policy. However, as Ms. Thomson alluded to, I believe it's from 1990 and so, you know, it does provide certain records we keep forever, and there's schedules like, you know, like seven year or ten year disposal things. The big puka is it doesn't even contemplate electronic or digital files and how those are maintained. So I would agree that we do need a County-wide overhaul, but there is a policy. It may be old, but it is still in effect, and it still guides us.

COUNCILMEMBER SUGIMURA: Thank you. Follow-up question, Chair, if I could. So connected to that then because of the world that we live in now in terms of things being digitized, I wonder if when the policy comes up if you can...if it's possible, say what can be digitized and what you need to keep paper on. I didn't even think about legal land documents that may have a different need, but connected to that is storage and space, and there's a cost to that too. So this has a lot of tentacles out there, and

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reaches. And I wonder if when the Corp. Counsel or whoever is working on...or if Mr. Teruya is working on a plan that you can think about that aspect of it too. Because yeah, there's a huge cost for storage. That's just my comment. Thank you. Thank you, Mr. Molina.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Let's go on to Member King. You have your three minutes.

COUNCILMEMBER KING: Thank you, Chair. I think most of my questions were answered. I too have similar concerns as other Councilmembers, that I think it's dangerous to repeal an oversight body without saying what we're going to replace it with. And so this needs...it's only half of the picture. And until we know who will do that work in the absence of this Committee, I think we need to strengthen the Committee as . . . *(audio interference)*. . . have them meet and actually start. You know, if the Committee had been meeting and then came to us and said, I have no...we have no...we would like to repeal ourselves because we have no work to do, then that would be one thing, but there hasn't been meeting and so, you know, we don't even know the true value of this Committee until it actually starts meeting and doing the work as described in this section we're trying to repeal. So I think it's kind of only half the picture right now. I'm not in favor of passing this out at this time. Thank you.

CHAIR MOLINA: Thank you, Member King. Mr. Sinenci, any thoughts on this matter?

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo for the conversation. Yeah, I too...I'm supportive to wait until next year to see if there's an alternative to the Records Disposition Committee.

CHAIR MOLINA: Mr. Sinenci, are you done? Okay. Thank you. If you're going to unmute yourself...okay. All right. Thank you. Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, you know, I was just curious to ask you...because this came from you, right, this County Communication? What were your thoughts when you brought this issue to the Committee?

CHAIR MOLINA: Well, I'm glad you asked me that. My understanding is this matter had been languishing in this Committee, or the Committee that was called, I guess, maybe the Policy Committee before this turned into the GET Committee.

COUNCILMEMBER KAMA: Oh.

CHAIR MOLINA: But basically, those Committees dealt with the same matters. And for whatever reason, unless I'm correct...stand to be corrected, it had not been addressed. So we're talking 10, 11 years. So your Chair just kind of threw this out for the discussion because I'm one of those...I hate to leave things languishing in Committee without it getting addressed.

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COUNCILMEMBER KAMA: Right.

CHAIR MOLINA: So I don't know what the reasons were as to why prior Chairs or prior Councils did not have this matter addressed or discussed. But, you know, as far as I'm concerned, that's water under the bridge.

COUNCILMEMBER KAMA: Right. Right.

CHAIR MOLINA: We have this out here today.

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: So I'm proposing it. And already I'm getting your reactions to it, which is what my hope was, and I sort of know what direction this Committee would like to take with this matter.

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: So that's why I put it out there for discussion.

COUNCILMEMBER KAMA: Thank you, Chair. So then I guess...I think we're all headed in the same direction. We're all in the same canoe paddling together. So I would continue to paddle on. So thank you, Chair.

CHAIR MOLINA: All right. Thank you, Member Kama. Okay. I believe...did we cover everybody? And we can go back to Member Rawlins-Fernandez, you had a follow-up question? Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, and I'll be quick. Our diligent OCS Staff was able to dig up the \$7,000 that we allocated in the FY'21 budget for the \$7,000. And in the budget, it did say for the website and scanning project. So scanning, to me, communicates digitizing, so documents that aren't already in an electronic format. But it does say website, so I'm not sure, that's a little more broader of a description. And Ms. Milner is continuing to look through our budget documents to see if there's any other information other than that. So I think it was touched upon earlier, and everyone kind of like talked about. So this Committee hasn't been impaneled, hasn't met, hasn't been doing the job that was assigned. And so what has been happening, and has it caused lack of consistency?

MR. MURAI: Well, as far as I know...well, here's how I see it. The Committee exists. But as far as I know, no one has submitted any proposed rule revisions to the Committee. So that's why I said it's like a chicken or egg thing, right, which comes first, the request or the Committee? In my view, the Committee exists, it's just that the Committee has never, in recent memory or as far as I know, had anything put to it. And what kind of

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brought this to a head was MPD's request for the Council...Council approval of their records revision. And I believe that's when Member Hokama pointed out the Statute, which he was...or the Ordinance, which he was very familiar with, having dealt with it, you know, in the past.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Murai. So we've been in violation of Code for over ten years.

MR. MURAI: No, I wouldn't say we're in violation because if nothing is put to the Committee, then there's no violation, in my view.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So we just ignored it. Okay.

MR. MURAI: Well, it's hard to ignore something when nothing is ever put to it, you know.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

MR. MURAI: In other words, . . . *(inaudible)*. . . you can't, you know, violate this Ordinance if no Department submits anything to you.

VICE-CHAIR RAWLINS-FERNANDEZ: So would it...so in 2.84.060, the Amendment that we're trying to repeal...or not we, but that was brought to Council to repeal...it puts the onus on the Managing Director to ensure that this process is being followed, and that this Committee is impaneled? I guess, you know, the Managing Director is Director of the Departments, to ensure that this process is moving along as it calls for in our Code.

MR. MURAI: Well, that's what the current Ordinance provides for. My understanding is if this is repealed, you know, record...modifications to the Records Retention Policies would still have to follow, you know, State and other laws regarding keeping of records. And also the County, you know, would have to determine what records it needs to protect itself. And I guess ultimately, the Council, the County Council will have the final say in what changes are made to the existing policies. I guess the fundamental thing is that our policies are guided by law. In other words, people cannot just say, okay, and what...no need keep this, no need keep that, but we'd have to look at it through the lens of what the law requires.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So you said chicken, egg, so then would be . . . *(timer sounds)*. . . take the bull by the horns and get us going again? Resuscitate this process?

MR. MURAI: I'm sorry, I missed the last part. I'm sorry, Member Rawlins, I missed the last part of your comment.

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VICE-CHAIR RAWLINS-FERNANDEZ: So you mentioned several times chicken or egg, right. So would it be the Managing Director that would then take the bull by the horns and resuscitate this process?

MR. MURAI: I would presume so.

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

CHAIR MOLINA: Okay. Thank you very much, Committee Vice-Chair Rawlins-Fernandez. Okay. Member Sugimura, last follow up. Go ahead.

COUNCILMEMBER SUGIMURA: So this discussion from Ms. Rawlins-Fernandez tied into...and Mr. Murai, tied into my question. As the...I wondered if the previous Administration had this Committee actively in motion or even established, Mr. Molina; do you know?

CHAIR MOLINA: I have no idea.

VICE-CHAIR RAWLINS-FERNANDEZ: It hasn't existed for ten years.

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Murai said that it's been at least the time that he's been here. So it's never been...

CHAIR MOLINA: From 2009 I believe, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER SUGIMURA: So Mr. Murai is our gauge. All right.

MR. MURAI: And I'm a poor gauge at that. I know that there are people in this meeting that have longer tenures than I do. All I have is the policies that currently exist, and all I'm aware of is that the County-wide policy was promulgated, I think, in the early '90s, and to my knowledge, has not been amended since.

COUNCILMEMBER SUGIMURA: Okay. Thank you very much.

MR. MURAI: You're welcome.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Seeing no other follow-up questions, Chair will give his last comments before a recommendation on this. I believe...you know, I appreciate what Corporation Counsel Thomson said about updating a County-wide policy for records management disposition, and I...again, with the Police, their records disposition matter can wait, so I'm fine with that. And I guess

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this has become an unsolved mystery that we're trying to...I don't want to call it dig up, but just gets some questions answered, and I think there's some valid questions that were asked. So let's try to get more clarity on this. And I know where you're coming from, Members, so I appreciate your comments. And again, as your Chair for this matter, I wanted to shed this matter to light instead of letting it languish in Committee as it has all these other years. So we can go forward with this in however way we want it done, whether it be this Council or the next Council. So this will be an easy recommendation, Members. Chair is going to defer. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: All right. Thank you very much, Members. Moving forward. And thank you, Mr. Murai. I know we've kept you quite busy this morning. You're certainly earning your pay, that's for sure.

MR. MURAI: My pleasure, Mr. Chair.

CHAIR MOLINA: Our pleasure too. Thank you.

GET-11(44) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: THERESA ANN COX V. COUNTY OF MAUI, ET AL. HCRC NO. RE-M-1165; HUD NO. 09-18-2683-8) (CC 19-29)

CHAIR MOLINA: Okay. Let's go on to our next item, GET-11(44), proposed Settlement Authorization Theresa Ann Cox versus the County of Maui. The purpose of the proposed Resolution is to authorize settlement of the claim. The Claimant alleges retaliation and discrimination based on race, sex, and disability while Ms. Cox was a resident at Hale Makana O Waiale in Lahaina, Maui, Hawai'i, between the period of January 23rd, 2017 through January 2nd, 2019. From Corporation Counsel to give us an overview of this matter in open session is Ms. Iwalani Mountcastle Gasmen. You have the floor.

MS. MOUNTCASTLE GASMEN: Thank you. Thank you, Chair. So basically, continuing with Mr. Molina's rendition of the facts, the County...so Ms. Cox has resided at Ka Hale A Ke Ola's West Side Affordable Housing Complex, which provides long-term rental housing for Maui's low income families at 10 Ipu Wai Lane, Apartment 101 in Lahaina, which is the subject property of this Complaint. The County of Maui is the fee owner of the subject property, and Ka Hale A Ke Ola leases the subject property from the County of Maui. Hale Makana O Waiale LLC, which I'll refer to as Hale Makana, manages the subject property, and there was also an employee of Hale Makana, basically the Leasing Director for the subject property, that was also an alleged

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Respondent in the Complaint. Ka Hale A Ke Ola does receive federal funding from the Department of Housing, Urban Development for 20 of the units, which were designated as Home Program Affordable units, making the entire project subject to HUD Program Requirements. Ms. Cox did receive Section 8 Tenant Based Assistance from the County of Maui's Housing Choice Voucher Program, and Ms. Cox alleged that the County of Maui had knowledge of the harassment at the subject property, and failed to investigate and take corrective action to end the harassment. The Complaint alleges that the County of Maui violated Chapter 515, which relates to real property transactions, as well as Title 8 of the Civil Rights Act of 1968, which has also been codified and amended by the Fair Housing Act of 1988. So if this case were to go to trial, the County would likely be held liable for a portion of the general damages awarded. There was already a notice of finding of reasonable cause to believe that unlawful discrimination practices have been committed against Ms. Cox by Ka Hale A Ke Ola, Hale Makana, and the Leasing Director. The County was not added as a Respondent actually, until recently, in July of this year. So there was no cause finding against the County of Maui to date at this moment. However, if we choose not to engage in voluntary mediation of this matter, it's certain that we will be investigated, and a probable cause that a notice of finding of reasonable cause to believe that unlawful discriminatory practices have been committed against Ms. Cox by the County of Maui is likely because it's the same entity, the Hawai'i Civil Rights Commission, and their enforcement attorneys would take it to that Commission, and then we would also be potentially subject to federal lawsuits once determination is made from the Civil Rights Commission. It could also jeopardize, obviously, our Federal funding and assistance from HUD for our Housing and Grants Programs, either HOME or the Community Development Block Grant Program. We are recommending that we settle the claims for the \$30,000. This would include injuries suffered for pain, suffering, inability to perform certain functions. And at this point in time, the Claimant has not agreed to this amount; however, the Hawai'i Civil Rights Commission has sent us an offer that supports this amount, and the HUD Investigator has also been actively participating in settlement discussions with our office, and they support these recommendations as well. At this point, I guess I would ask to go into executive session, unless there are any comments or questions that can be addressed in public.

CHAIR MOLINA: Okay. Thank you very much, Ms. Mountcastle Gasmen. Members, as you heard from Ms. Mountcastle Gasmen, she's recommending executive session to discuss further, more intimate details about this matter. But in the meantime, any questions in open session, or to clarify whatever Ms. Mountcastle Gasmen has given us before the Chair recommends executive session? Okay. Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick. Mahalo, Chair. Do we not have a police report because the police didn't show up to respond?

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EXC.: Councilmember Hokama.

MOTION CARRIED.

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

CHAIR MOLINA: Thank you. The Chair will mark it eight “ayes” with one excusal, Mr. Hokama. Okay. Members, you should have been provided an executive session link from Mr. Forrest from OCS. And since we’re near our traditional break time, let’s do this. Let’s convene in executive session at 10:30 a.m. Okay. Members, any questions? If not, the GET meeting is now in recess. And when we do reconvene, it will be in executive session as it relates to GET Item 11(44). Meeting in recess. . . .*(gavel)*. . .

RECESS: 10:17 a.m.

RECONVENE: 11:31 a.m.

CHAIR MOLINA: . . .*(gavel)*. . .The GET Committee meeting for October 20th, 2020 is now back in open session. Thank you very much, Members for that discussion in executive session related to GET Item 11(44). Before the Chair makes a recommendation, the Chair would like to recognize Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair, can you hear me? I just would...I made a request to be recused from this item. I didn’t feel comfortable, as a family member was involved. Thank you.

CHAIR MOLINA: Thank you very much, Member Paltin. And so your request is to be recused from voting on this. And for the record, you also did not participate in the executive session discussion as well. Members, any objections to Member Paltin’s request to be recused from voting on this matter?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Thank you, Members. So noted, no objections from the Members. So Member Paltin will be recused from voting on GET Item 11(44). So with that said, based on recommendations from Corporation Counsel, as well as the discussion, Chair is going to recommend passage of the proposed Resolution related to Authorizing Settlement of the Theresa Ann Cox matter versus the County of Maui. Chair will entertain a motion to support.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER LEE: Second.

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CHAIR MOLINA: All right. We'll give the motion made by Member Kama, seconded by Chair Lee. Members, any discussion? Okay. Seeing none. All those in favor, signify by raising your hand and saying "aye".

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

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

NOES: Vice-Chair Rawlins-Fernandez.

ABSTAIN: Councilmember Paltin.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR MOLINA: Okay. We have one no vote, am I correct. So we have six "ayes" and one...

COUNCILMEMBER SUGIMURA: Two.

CHAIR MOLINA: Did I hear two? Okay.

COUNCILMEMBER SUGIMURA: I saw one hand.

CHAIR MOLINA: For the record, can we do this again. We had Member Rawlins-Fernandez with a no, was there another no on this. Only one no. Okay. All right. Chair will mark it six "ayes", one "no", Member Rawlins-Fernandez, one recusal, Member Paltin, and one excusal, Member Hokama. Okay. So it's six to one. The measure passes. Okay. Thank you for that, Members.

**GET-63 APPOINTMENTS TO COMMISSION ON HEALING SOLUTIONS FOR
HOMELESSNESS (CC 20-502)**

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CHAIR MOLINA: All righty. After that lengthy discussion for that item, it doesn't leave us much time for the last item on our agenda, but we'll see what we can get done. And that item is GET-63 relating to Appointments to Commission on Healing Solutions for the Homelessness. Members, if you can recall, the Council passed Bill 78 to establish a Commission on Healing Solutions for the Homelessness, which was introduced by Committee Vice-Chair Rawlins-Fernandez. And if you would like to refer to your Granicus for a copy of Bill 78, it's in there. And because this is a newly formed Commission, we're going to discuss today the requirements for Commission Members, which includes the Commission will consist of 11 Members and...with one Member from each of the nine Council residency areas, and also two will be appointed by the Mayor. And also, the Commission will also have to include some criteria, which includes one Member with demonstrated expertise in Native Hawaiian traditional and customary practices, and one Member of the clergy or faith-based community, and one representative from the Maui Homeless Alliance, and at least one Member who was formerly or is currently experiencing homelessness as defined by the Chapter of Section 2.28.070 of Maui County Code. But to give us further analysis and description of this, Chair is going to recognize the founder, or the establisher of this Bill, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think you did a really good job at highlighting all the requirements--oh, am I muted? Oh, okay--of the Commission, and I think...so each of us would be tasked with selecting someone from our district, our residency district, and bringing those names forward. My thought was that we could use a similar form as we already use for the Boards and Commission, where it includes the information...you know, their contact information, why they would like to sit on this specific Commission, and what their qualifications are. As far as how...so nine would be selected by Council, and then two Members of this Commission would be selected by the Mayor. As our Chair explained, there are...I think it was four specific requirements that we would have to meet in impaneling this first Commission. This first Commission, when we put them together, or when we put it together, will be tasked with developing the first rules. So it's even more important that we ensure that people who have the right qualifications sit on this first Commission, so that the rules reflect the intention of the law itself. Mahalo, Chair.

CHAIR MOLINA: Thank you, Committee Vice-Chair Rawlins-Fernandez. Before I open the floor for questions, any additional comments from Director Tsuhako on this proposal?

MS. TSUHAKO: Thank you again, Mr. Chair. In preparation for today's discussion and Committee, I drafted up what I titled was an Application for Commission on Meeting Solutions for Homelessness. I patterned this after the West Maui CPAC Application, and just changed some of the items to be more relevant to the topic. I don't know if I can share screen.

CHAIR MOLINA: Yeah. It's possible.

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VICE-CHAIR RAWLINS-FERNANDEZ: It's the icon with the *(audio interference)*

MS. TSUHAKEO: Yeah. Let's see if I can do that. Can you see anything besides me?

CHAIR MOLINA: Oh, yeah, very good.

MS. TSUHAKEO: Can you see the form itself?

CHAIR MOLINA: Yeah. And if you could scroll it up, I'm sure...

MS. TSUHAKEO: So that's questions like, you know, as Ms. Rawlins-Fernandez noted. Why do you want to serve on the Commission? What knowledge or experience will you bring? Describe your desired outcome for the Commission's work? What are the issues of greatest concern? Post-secondary education. I think...actually, I think this might have been an earlier version. I have one that was done more recently, like yesterday, that actually asked the applicant to delineate which criteria they might meet. So are they expert in Native Hawaiian healing practices, are they homeless or formerly homeless, so some of the criteria that Member Rawlins-Fernandez discussed earlier that's in the Bill. One of the questions specifically deals with that, and leaves a space for the applicant to fill that out and describe how they would meet those...that criteria, if any. So I'll go all the way to the bottom, and what I didn't change here is...I didn't know how or whether there was an agreement about how the Councilmembers or the Administration, which body would be in charge of taking in the applications and distributing them, or how the Members would go about making decisions about who you wanted to appoint as your appointee to the Commission. So I think if we can have a little bit more discussion and decision about how that is, I'm happy to send OCS the updated forms, and then we can move along in getting people appointed to this.

CHAIR MOLINA: Okay. Thank you very much, Madam Director, and I appreciate the Administration's version of the application. OCS--and Members, as you know, if you look in your Granicus, there is a version of, I guess, the Council's application form. I would hope that, you know, the Administration's version and the Council's version can be consistent with each other so that way there's no information that may be, you know, left out unintendedly. So...all right, with that being said, Members, any questions...and keep it, maybe no more than one question because we have a little bit of...very little time for either Ms. Rawlins-Fernandez or Director Tsuhako. Chair Lee.

COUNCILMEMBER LEE: Okay. Could I ask Corp. Counsel a question?

CHAIR MOLINA: Sure.

COUNCILMEMBER LEE: Okay. Thank you. Corp. Counsel, when we talk about rules generally, they are Administrative Rules that have certain criteria. The rules are drafted, and then there's a public hearing, et cetera. Are these rules subject to those requirements, or are we talking about other kinds of rules?

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MR. MURAI: Madam Chair, I presume that this means Administrative Rules, which are promulgated pursuant to the authority of the Ordinance, and like you said, would be subject to public hearing.

COUNCILMEMBER LEE: Yeah, generally Administrative Rules are from the Administration. So who has oversight over these rules, who has authority over these rules?

MR. MURAI: Well, I don't know. I suppose they could be submitted through the Administration Members, the two Members, I don't know. This is...again, because this is a new Commission that is a hybrid of Council and Administration appointees, I don't know. I would presume that they could be submitted through the normal Administrative rule-making process, you know, the HRS Chapter 91 process.

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

CHAIR MOLINA: Thank you, Chair. You know, just as a follow up, I guess we could model the process like that of the West Maui Community Plan Advisory Committee, where the...where similar to this, the Council selected...I guess it was nine Members and Administration had four, and in this case Administration two, but the oversight was with the Planning Department. So this case, the oversight would be with the Department of Housing and Human Concerns. And if it's agreeable to all, they could formulate the Admin Rules with input from the Council. I mean, I'm just throwing that out there. So...okay. Good topic to bring up, Chair Lee. Okay. Members, any other questions for either Committee Vice-Chair Rawlins-Fernandez, Director Tshako, or Corporation Counsel Murai on this? Member King.

COUNCILMEMBER KING: Thank you, Chair. So I guess my question...there's an echo. Somebody's got...can you hear me now?

CHAIR MOLINA: Yeah. You're good. I hear no echoes.

COUNCILMEMBER KING: Okay. So I guess what my concern is, what is...what would be the timeline? Would we be selecting the Members from the Council first, or would the Mayor be selecting his Members first so that we could see, you know, where we would have to fill in. If it has to be those four requirements and the Council and the Mayor goes first and has two people that fulfill those requirements, then we'd have two requirements left. But is there a chronology implied? I didn't see it in the Bill as to who would pick the Members first or...how would we communicate...you know, which division to communicate with each other and with the Mayor so that we get those four positions?

CHAIR MOLINA: Committee Vice-Chair Rawlins-Fernandez or anyone wants that one? I know we got to get this Commission up and running by April, right, of next year. So

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Committee Vice-Chair Rawlins-Fernandez, as the maker of the Bill, any thoughts on Member King's questions?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. Yeah. So there wasn't any, you know, chronological order that was specified in the Bill itself, as you mentioned. So the thought was just that we would kind of work together on ensuring that all the qualifications were met.

COUNCILMEMBER KING: That would be great. So maybe Corp. Counsel could just like...you know, are there any constraints in our communication, like if we...you know, if I say I find somebody for the Commission who is a homeless person and want to communicate that to the other Councilmembers so that they could try to fill the other three slots, I mean, are we constrained by Sunshine Law as far as that kind of communication? Do we have keep having these meetings in open session, and then communicate who we've each found and then come...you know, or repetitively we have to come back with a different name? How are we constrained by legalities, if we are?

CHAIR MOLINA: Mr. Murai.

MR. MURAI: Well, certainly...Mr. Chair, if I may. Certainly, you would be subject to the Sunshine Law provisions regarding communication outside of a meeting. But I think that probably the best way to process this is because we already have experience with the West Maui CPAC that you follow that same process. Now, there are people in this meeting that are far more familiar with that process than I am, so I would defer to them. But I would think that any selection or discussion should be made after...you know, after applications are solicited and you have a pool. That's probably the best way to do it.

COUNCILMEMBER KING: Okay, but the process . . . *(inaudible)*. . . does it happen prior to the Council being seated, which was over my objections because I really thought the new Council should be seating the West Maui CPAC, but the way it happened was, you know, out of all the applications, we just got this recommendation of a slate. There wasn't really a discussion where...and, you know, it was like an up or down, thumbs up or thumbs down. So we didn't really have a full discussion, and because it's different in the fact that it's all from one community. So, you know, there weren't...we weren't asked as Councilmembers to come up with a name for somebody, you know, there wasn't like a reason for nine different Councilmembers to come up with nine different names. We were solicited for any input we might have and then, you know, when we voted on it, I don't remember there being a discussion of, you know, here's my recommendation and they fulfill this, you know, they balance out the gender or, you know, or the demographics of it in any way. So I think...

CHAIR MOLINA: Member King, I think Member Sugimura has a...would like to add to your concern. Member Sugimura?

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COUNCILMEMBER KING: All right. But let me...can I just finish because I do have to leave, so...

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: This was a very specific mandate that each district have a person, and we're asking each Councilmember, so that's, to me, what's different. Because we have to each communicate who that person is that we're recommending. So that's kind of my...I guess we want to recommend somebody that we have to come back to a Committee and present our recommendation, and if they're overlapping, then we have to go back out, I guess. Is that you're saying, Mr. Murai, that we would do it in open session?

MR. MURAI: You know, that's a conversation that I had with OCS Staff. You know, if you look at the Ordinance, to me, it implies that you solicit the applications, and it somewhat implies if you kind of have a slate of people or slots to fill. At first, my initial impression was that...or a question in my mind was, does each Councilmember select someone from their district, or are they filled based on need. In other words, you know, cultural practitioner, clergy person, you know, that part, I have no idea. But, you know, specifically regarding your concern regarding the Sunshine Law, yeah. The Sunshine Law does, you know, that is something you would need to consider. I don't know whether the most efficient way would be to appoint a TIG, or a temporary interactive group to make recommendations to the full Council. That part, I have no clue and, you know, for the nuts and bolts of the process of this, I would probably defer to Ms. Rawlins-Fernandez as the proponent of the Ordinance.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: All right. Sorry, Member King. I'd like to...because of our time limitation I'd like to recognize Member Sugimura, and we're going to bring this back to Committee for further discussion. Member Sugimura.

COUNCILMEMBER KING: Okay. Thank you for the proposal.

COUNCILMEMBER SUGIMURA: So the CPAC for West Maui was under my purview when I was the policy Economic Development Chair last term. And what we did was we had a deadline that we announced, Shelly was my staffer, she's so awesome, and she sits on yours. And we published the deadline, and we notified the deadline to the community. And I also thought that the district rep would provide a lot of the names, but as we got closer and I didn't have, you know, a variety, I guess, you know, we kind of did blast emails out or just trying to solicit different organizations within the community just to find applicants. So we did some outreach, I think every Member had an opportunity to do that with a deadline. And then from there, we had a slate of people to present. So that's kind of the process that we went through. And I would imagine, you know, each individual district would go through a similar process of reaching out into your

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community to find out people that may apply for whatever criteria it is. So I just wanted to state that. It wasn't...you know, so we tried to make it fair and not random and open to the public. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Okay. We have time for another question or two for either Ms. Rawlins-Fernandez, the Department, or Corporation Counsel. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. Just my comment is I can see how folks would want to compare the selection of this Committee to the West Maui CPAC, and there are similarities. However, you know, being that the subject matter is much different, I think that in my recollection, the number of folks that applied to the CPAC was very small, like we...it wasn't a big amount of selection that was being done because I think there...of the seats available, there were maybe two or three in addition to the people that...of the number of people that were allowed. So it was like two or three would not be sat. And then everyone else would have to be sat because that's how few people actually applied. And part of that...I think in my community, the feedback that I got was because people felt that community plan wasn't respected, people felt like, you know, that after they make the community plan and put in so many hours, then the Planning Commission changes it and the Council changes it, whereas this type of Committee, I would hope there wouldn't be that kind of disillusionment or, you know, that type of thing where people think that they're not being heard. You know, we heard this throughout the 201H process, we heard this at the Planning Commission, at the County Council, for various community plans. But I hope...I would hope that for that this type of thing, people wouldn't be jaded, at least not from day one. So that's just my input. It's similar, but not so much.

CHAIR MOLINA: Very good insight on that, Member Paltin. You know what, Members, let's do this. Submit your questions to Committee, and to maybe Member Rawlins-Fernandez as well as Administration, and we'll get involved with getting some of these questions that I can see already coming out as far as Administration Rules. Who is going to set the tone for that? Do we go with the Department of Housing and Human Concerns, or is it Council? The nomination process for all of the Councilmembers, I would hope that it would be consistent as to how we...what our criteria is, that it be consistent with all Councilmembers. And even how will it be, how do we determine what Council appointees will get one, two, or three-year terms because that's something under Section 2.21.040 in terms of operation. So that's something I think we need to work out. So again, I just put that out for you today. So I will try to bring this back before the end of the term, and hopefully we can get this working because we are supposed to get this Commission up and running by April of next year. And my optimistic hope is that by January we can get...well, assuming we're all back or whatever, the next Council, can take in all the nominations, get them onboard, confirm whatever, and then by April it can...the ball can be rolled with this very important Commission. So those are my closing thoughts on that. Any other thoughts before we adjourn today? Committee Vice-Chair Rawlins-Fernandez.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I fully support your thoughts and plan moving forward. I wanted to thank Director Tsuhako for drafting the application for us to review and provide comments on. I think it's excellent. I think...you know, I heard everyone's comments, and the next time this is on your agenda, Chair, we can have more of a timeline. We can have some additional documents to review and then to agree upon in moving forward. The one comment I wanted to make was that, you know, we all live in our residency districts, and I assume, you know, that we're involved in our community, and that we would kind of have an idea of the people who live in our district that are involved in working with those who are houseless right now, or who serve those that are, you know, houseless in our community, or have that kind of experience, and that we would know...and that's why, you know, we would be choosing one person from each of our communities because we know our communities best, and we would be able to bring forth the best person, you know, who would be appropriate for this Committee, especially in setting the rules for this Committee. So that's all. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Committee Vice-Chair Rawlins-Fernandez. All right, Members. I believe this concludes our agenda for today. If there are no objections, we will defer GET Item 63. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay. Thank you very much, Members. And as I stated earlier, we'll try to bring this back for another go round before the end of this term. Okay. Ms. Espeleta, our birthday young lady, does the Chair need to be made aware of any other issues before we close our proceedings?

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

CHAIR MOLINA: All right. Thank you very much, and happy birthday to you again. So with that being said, Members, thank you very much for your hard work, as well as to Administration and to everyone else involved. Committee Staff, great job today. So if no objections, we will close our GET Committee meeting for October 20th, 2020. This meeting is now adjourned. . . . *(gavel)* . . .

ADJOURN: 11:57 a.m.

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Council of the County of Maui

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APPROVED BY:

Michael J. Molina

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

get:min:201020:ta

Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 37 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 30th 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