

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans Link

January 19, 2021

CONVENE: 9:01 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Kelly T. King, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Shelly Espeleta, Legislative Analyst
James Forrest, Legislative Attorney
Richard Mitchell, Legislative Attorney
Wilton Leauanae, Legislative Analyst
Pauline Martins, Committee Secretary
Jean Pkipala, Council Services Assistant Clerk

Axel Beers, Executive Assistant to Councilmember King
Diane Wakamatsu, Executive Assistant to Councilmember Lee
Evan Dust, Executive Assistant to Councilmember Kama
Jordan Helle, Executive Assistant to Councilmember Sugimura
Kate Griffiths, Executive Assistant to Councilmember Johnson
Keisa Liu, Executive Assistant to Councilmember Johnson
Lois Whitney, Executive Assistant to Councilmember Kama
Michelle Del Rosario, Executive Assistant to Councilmember King
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Livit Callentine

PRESS: Akaku Maui Community Television, Inc.

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CHAIR MOLINA: ...*(gavel)*... Awesome. All right. Let's go to someplace that got a lot of extra rain, out to East Maui. Councilmember Sinenci in Hāna, good morning.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka kākou, mai Maui Hikina ...*(spoke in Hawaiian)*...

CHAIR MOLINA: Good morning to you, sir. And let's go out to the land of the beautiful jacaranda out in Kula. Good morning, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Ni hao. And I'm actually in the County Building and enjoying the...all of you as we begin this meeting.

CHAIR MOLINA: All right.

COUNCILMEMBER SUGIMURA: Thanks for doing a great job, Mr. Molina.

CHAIR MOLINA: Well, thank you. And we enjoy you too, Councilmember Sugimura. All right, let's see how the neighborhood is doing and check in on Councilmember Kama. Good morning.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and it's still a beautiful day in the neighborhood of Kahului even with all of the rain. And ni hao to each and every one of you.

CHAIR MOLINA: Ni hao back to you, Councilmember Kama. I appreciate your enthusiasm as we start this new year and new term. Well, let's find out who our Committee Staff is. We have Secretary Pauline Martins, as well as Legislative Analysts Shelly Espeleta and Wilton Leauanae, good morning. And also, Legislative Attorney James Forrest and Support Staff Jean Pokipala. Thanks again for being aboard on this Committee again. Guys, we had a great term and I appreciate your service, and let's have another good term. And from Corporation Counsel joining us this morning will be Gary Murai. Good morning, Mr. Murai. All right. With that being said, again, Members, this is the...known as the GREAT Committee, you'll hear that mentioned a lot of times and we will have a great time, literally, I hope. And I want to start off by sharing that the most appropriate model we could come up with that describes this Committee comes from the words of Stan Lee, who was that famous cartoonist for Marvel Comics. And he stated, I quote, "With great power comes great responsibility." Okay. I guess that'll be the model for, I guess, all of us. Not only this Committee, but for all of us in our respective committees. And again, Members, thank you for making yourselves available for today's meeting, which is an off-week. And I know you could have been working with your constituents and doing other things, so as the Chair of this Committee, I appreciate you taking the time to take up these very important matters today. And of course, one of the most important matters is the appointment process to the Charter Commission for terms that start on March 1st, 2021. And also, we'll be taking up amending the Rules of the Council. And later today at 2:00 we'll have a

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PSLU Committee meeting shared by our colleague from West Maui, Councilmember Paltin. So a busy, busy, exciting day lays ahead of us. All right. Let's first begin with public testimony. Oral testimony will be taken via phone, or video conferencing will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link. It's a new link now for this Committee, it's bluejeans.com/175115369, as noted on today's agenda. For those of you who would like to provide audio testimony, you can participate via phone conference by dialing 1-408-915-6290 and entering the meeting code that I just mentioned. So with that being said, I would like to ask Ms. Espeleta if we have any testifiers for any of our two agenda items this morning. Ms. Espeleta?

MS. ESPELETA: Good morning, Mr. Chair. There are no individuals that have signed up to testify. However, if there are any individuals who have since joined the meeting, please unmute yourself and proceed with your testimony at this time.

CHAIR MOLINA: Okay, thank you for that information. Well, we'll give it a few more seconds as I go over basic rules for oral testimony. Testimony will be limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. And please, when testifying, state your first and last name. And if you're testifying on behalf of an organization or if you're a paid lobbyist, please inform the Committee of that. And please be mindful the use of chat for this meeting. Chat should not be used to provide testimony or chat with other testifiers. And while others are testifying, please be courteous by turning off your video and muting your microphone while waiting for your turn to testify. And for those of you who would like to simply watch the meeting, you can turn your television onto *Akakū* Channel 53. And I would like to remind Committee Members, Administration, and the public to please be patient if we run into any technological issues during the meeting. With that said, I think that took about...about another additional minute. Ms. Espeleta, has there been anyone signed on to testify?

MS. ESPELETA: No, Mr. Chair.

CHAIR MOLINA: Okay. With that said, Members, any objections to closing public testimony for two of our agenda items today?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: So noted. Any objections to any written testimony submitted?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay, so ordered.

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GREAT-18(1) OVERVIEW OF THE APPOINTMENT PROCESS TO THE CHARTER COMMISSION (RULE 7(B))

CHAIR MOLINA: All right, Members, let's get right down to business. For our first GREAT item today, which is GREAT Item 18(1), which is Overview of the Appointment Process to the Charter Commission. Members, you should have been...had the...the end result of the Charter...Charter Amendment vote that took place during the last election. I believe Staff should have circulated that to you, and I'll just kind of give you a brief overview about what it said. Effective January 2nd, 2021, based on the passage of the Charter Amendment at the General Election on November 3rd of 2020 relating to the Charter Commission, the Council now has the authority to nominate 9 of the 11 members to the Charter Commission. The Mayor has the authority to appoint two remaining members without Council approval. Now, prior to that, the Mayor had the appointing authority for all 11 Commission members, but now the Council gets nine and the Mayor gets two. The terms for the 11-member Charter Commission will begin on March 1st, 2021 and end on November 9th, 2022, which happens to be a day after the 2022 General Election. The Chair's intent today...for today's discussion is to outline the process for receiving the Council's applications and applicable deadlines prior to March 1st. Members, the...these are some, I guess, suggestions and some guidelines for you to consider. Again, today we're going to discuss Council's process for each Member to nominate one individual. Now, I would like to note here, an individual does not need to be from the Member's own residency area, in case you were wondering, to make up the nine members of the Charter Commission. So for example, I'm the...my district is Makawao-Ha'ikū-Pā'ia. If I would like to nominate somebody from the West Maui area, I'm free to do so. And we're also going to be discussing the use of a Council Board application model, which the Chair has distributed to you for your review, and was modeled after the West Maui CPAC application and the proposed Commission on Healing Solutions for Homeless applications. The deadline that we've established to received completed Council Board applications via mail, email, or fax from the public will be January 31st by 4:30 p.m. through GREAT Item number 5, so GREAT-5. And all of that should be...will be mentioned in an upcoming press release. Upon the completion of our meeting today, we'll be submitting a press release with all of this information for the public to consider. So the public has relatively, what, maybe 11 days, 10 to 11 days to get their application in. Unfortunately it is a little shorter than the normal boards and commission application process, but because of the established deadline of the Charter Commission being March 1st instead of April 1st or later, this is why we have our backs somewhat against the clock a little bit for the public, and of course ourselves, to decide who we want. Members, again, any questions...well, before I do that, let me highlight for you some other important dates. On February 9th date, I will have a special Committee meeting that week, Tuesday, so please mark that on your calendars. If you can set aside any other activities you had for that day, please put February 9th. That is the day I intend to have all of the nine nominees discussed and voted up or down. On February 19th, that is the last Council meeting for the month of February, and that would be the last meeting to approve the GREAT Committee's

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recommendations on the nine nominations. Now, if there are some unforeseen circumstances along the way prior to March 1st, I would ask Chair Lee to consider a special Council meeting after the 19th of February if...if necessary. And of course, March 1st is the deadline for the Charter Commission as to its beginnings. Now, according to the language, all 11 members to the Commission must be named by this date. A question came up was if, for example, we only approve 9 of the 11 members, could the Commission still proceed? I'd like to ask Corporation Counsel Mr. Murai to comment on that and further expound.

MR. MURAI: Thank you, Mr. Chair. Yeah. You know, we had the opportunity to discuss this before and, you know, plain reading of the Charter tells that us we have to seat all 11 members. Now, I don't want to create problems where none exists, but we haven't gotten as far as figuring out well, what if we don't have all 11 onboard? I think at this point, we'd say that we probably cannot proceed. However, I hope we don't get to that point, and I hope that, you know, our process goes smoothly and that we can get a complete slate by...you know, before the end of...before the end of February.

CHAIR MOLINA: Thank you very much, Mr. Murai. I guess the...it seems rather open ended, right? It says all 11...I mean, it doesn't say just a quorum can proceed, right? So if we go just by the language that...that's written, we have to have, in your opinion, all 11 members approved before we...the Commission proceeds?

MR. MURAI: That...you know, yes. Yes. I...that's...that's how...that's how the Charter reads.

CHAIR MOLINA: Okay. Thank you, Mr. Murai. Okay, I've said enough. Members, what we'll do, we'll go ahead and I'm going to do four minutes. Any questions you have for either myself as the Committee Chair or Mr. Murai or even OCS Staff, I think if Mr. Raatz is online as well, as to the process and getting applications in and so...so far and everything else. So let's go ahead--Ms. Espeleta, can you start the clock? Do a four-minute clock. And then if anybody has any follow-up, we'll come back to that Councilmember. Okay. We'll start first with Chair Lee.

COUNCILMEMBER LEE: I have no questions, Mr. Chair. Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I will take Chair Lee's four minutes. Nah, just kidding. Just kidding, just kidding. Four minutes is plenty. Okay. So I just wanted to clarify what I understood from what you outlined, Chair. So all interested applicants will complete the Council's board and commission application by deadline February 9?

CHAIR MOLINA: No. Actually, the deadline need...all the applications need to be in by January 31st.

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VICE-CHAIR RAWLINS-FERNANDEZ: January 31st. Okay. On February 9th is when we'll take that up?

CHAIR MOLINA: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so January 31st.

CHAIR MOLINA: And we have to post by...by February 3rd too. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So if an application is not submitted by January 31st, are they no longer eligible to apply?

CHAIR MOLINA: Yeah. Now technically, you actually have really until the 3rd of February prior to posting, if you want to wait that late. But I think for the...it would help the Committee if they get it sooner, if at all possible, by January 31st. Now, it's again up to you if you...if you do have...well, when I worked in the Mayor's Office, some...you know, we had established this deadline. Every now and then you'd have an application that comes in late that sometimes the Mayor would want to consider. But my preference is January 31st if at all possible. Now, if some...if you get an application that comes in February 1st, well...and you decide to nominate that individual, then there's some flexibility the Chair can consider. But we do have to post and get all applications or your nomination in for posting for the February 9th meeting by 9:00 a.m. February 3rd. Am I correct, Ms. Espeleta?

MS. ESPELETA: Yes, Mr. Chair.

CHAIR MOLINA: Okay. So please, yeah, write that down. That's an important date too. Committee needs to receive your nomination for posting by 9:00 a.m. February 3rd.

VICE-CHAIR RAWLINS-FERNANDEZ: And the applications will be sent to the GREAT Committee. So great.committee@mauicounty.us, or is it still get.committee?

CHAIR MOLINA: Oh, it's definitely GREAT, yeah, GREAT...it's GREAT-5.

VICE-CHAIR RAWLINS-FERNANDEZ: GREAT-5@mauicounty.us?

CHAIR MOLINA: Ms. Espeleta, can you clarify that for me?

MS. ESPELETA: Yes, Mr. Chair. The new Committee email is GREAT, great.committee@mauicounty.us. And the item number for which the applications will be sent will be Item number GREAT-5.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Okay. And the intention is to ensure that everyone...that there will be a representative from each district from our Council?

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CHAIR MOLINA: That will be the preference, but I don't think we're mandated. Maybe I can ask Mr. Murai to comment on that. Because based on, I guess, the language that was submitted for the Charter...Charter Amendment vote, I believe we...we...we can or cannot restrict it to our district. It...it's more of a preference. Mr. Murai, can you respond to that question from Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No, no, not your nomination. Chair, not the nomination. That there will be a representative from each district represented in the nine that this Council will confirm. That that is the intention.

CHAIR MOLINA: Well, yeah, the preference, but I don't think there's a mandate that you...you can nominate...you have to nominate from your district. Like, for example...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, no, no, no, I'm not talking about nomination.

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm talking about the ultimate nine that are confirmed will be represented...representative of one person from each district?

COUNCILMEMBER KAMA: The appointees.

CHAIR MOLINA: The appointees, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: The nine that are confirmed, not just appointed.

CHAIR MOLINA: Yeah. Yeah, not...not...not the Mayor's. Yeah, we don't have to confirm the Mayor's two nominees. Well, are you...

VICE-CHAIR RAWLINS-FERNANDEZ: No, that's not what I'm talking about. I'm talking about the nine that is ultimately seated on the Commission . . . *(timer sounds)*. . . from the Council will be representing...so each one of the nine will come from one of the nine districts.

CHAIR MOLINA: Yeah, so...so you'll have nine individuals that come from each of the community plan districts, is that what you're saying? Yeah, that...that will be the preference, but my understanding is we're not restricted to that. Mr. Murai, can you respond?

MR. MURAI: Yeah. Thank you, Mr. Chair. No, there's no requirement that each of the nine districts be represented. And it's really, in my view, up to each Member if...if...if a Member wants their district to be represented by a resident of that district, then that would be the person that they would advance for approval. You know, there can be situations where you may have highly qualified people who you believe would represent your...would speak on behalf of your district very well, but who

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happens...who don't happen to live there. So I think this is something that each Member has a lot of control over, in that who...you know, in...in the person that they advance for their...their...their pick. But while geographic representation is...is desirable, it's not something that's required as far as I can see.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Murai. I...I hear that my time is up. I can wait to follow up, or I can follow up now.

CHAIR MOLINA: Yeah. Yeah, we can...we'll follow up, Member Rawlins-Fernandez. Let's go to Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, my understanding of that Charter amendment was that there would be one from each district. I thought that was a requirement. So I'm...I...I didn't think it was an option. So I thought we were...we...you know, that the process...maybe you can speak to this, that the process would be that we would each recommend somebody from our district. And if we...we can't come up with somebody, then we should ask the full Council to recommend somebody from our district, but that was my understanding. Then the other clarity that I always just want to make sure everyone understands, we don't approve the Mayor's two, correct? So all we're worried about is getting our nine seated, and then hopefully he'll just name his two. But what happens if we do our job and he doesn't do his? And I guess that's what Corp. Counsel is going to be looking into if they're...if the other two aren't seated, can they still...the nine still go ahead. Since they're representative of all the districts, I think that would be...that would be fine with me. Because that was the point of getting one person from each district so that they would all be...the...the entire County would be represented. And I just wanted to ask if you will be sharing the application form with us so that we can all post it? Maybe if it's...if it's all in your press release, Chair, maybe you can send out your press release to all of us --

CHAIR MOLINA: Yeah, we'll do that.

COUNCILMEMBER KING: -- and, you know, and then we can just...we can post your press release. If the date's in it, that would be great. And if...I guess if...if we're asking folks to send their applications directly to the Committee and, you know, we have the...if...if...if the intention is to each Councilmember to...to have the responsibility to try to vet somebody from our Committee, then will you be redistributing the applications out to the Councilmembers from those districts where you receive applications?

CHAIR MOLINA: Well, usually with...once it gets sent to the Committee it becomes public record, and I guess any Councilmember can access in case you want to look at who's apply...applying for the Commission. Am I correct? That's something we...we've had to also wrestle with the issue of, I guess, privacy issues potentially. I'd like to get some feedback on that from either Mr. Forrest or Mr. Murai.

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COUNCILMEMBER KING: Yeah, maybe we can get some clarity on that from Mr. Forrest because it seems awfully inefficient to have to keep checking on the Committee applications, you know, versus having them just sent directly to the Councilmember in those districts, if that's the intention. Is there a privacy...

VICE-CHAIR RAWLINS-FERNANDEZ: And Chair? Chair?

CHAIR MOLINA: Mr. Forrest?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, Ms. Martins just uploaded the application to Granicus if you want to refresh. She just uploaded it.

COUNCILMEMBER KING: Oh.

CHAIR MOLINA: Oh, okay. Okay. Thank you for that. Yeah. Okay, Mr. Forrest, any response to Member King's question?

MR. FORREST: I think Mr. Murai actually had done some research over the weekend as related to the privacy issues, and ultimately, I agree with his assessment that applications would be private until a nominee from each Councilmember was selected. So I...I feel like the public can submit their applications knowing that they would be confidential. And if a nominee is selected, then that nominee's application would then become...you know, the majority of that application would become public. With the, you know, the nominees by each Councilmember, I think the Charter Amendment's clear. I guess it's...it's different to say clear, it's...it's...there is no requirement set out that the nominee from the Councilmember be from any residential area. So although I see that happening, I...I would think that it's...it's almost a given that you guys are going to nominate someone from your area, so I don't think we really need to talk about it that much. But you do have the option to nominate pretty much anyone who you want. The process also is not laid out. So while the...the...we're working on a process that will help you guys, you know, make this sort of streamlined, you are free to make up your own process. Again, we have an application that we worked on, and I think it's a good application so we would recommend you using it, but it...the...the Charter amendment is somewhat...it...it allows you guys to nominate who you want and with what process you want. So I just want to make sure that's clear and, you know, to...

COUNCILMEMBER KING: Okay. So...so Mr. Forrest, so the...the Charter Amendment is specific on each Councilmember making a recommendation, but it doesn't say where that...where that nominee has to come from . . . *(inaudible)*. . .

MR. FORREST: That's correct. And...and I think, you know, for example, you know, if...if some...some issue like the environment was really important to you and you wanted to put a member who is an expert and he happens to live on Lānaʻi, you know, that

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would be fine. So I...I think that the...I think you guys need to steer clear from saying that it's preferred that, you know, you have someone from your district. You know, it's just like any...to me it's like any other job application, at some point where you...you need to select the...the most qualified person, but obviously you can put weight to someone in your district.

COUNCILMEMBER KING: Okay. And then the...the last question I have, Mr. Chair, is how long is this process expected to take, and how long does the Charter Commission have to make their final decision?

CHAIR MOLINA: Let me ask Mr. Murai. We have until...

MR. MURAI: Yeah, I'm going by...I'm sorry, I'm going by my memory, but I think it's something like 11 months. Once they're seated, they have a little bit less than a year to come up with their final recommendation.

COUNCILMEMBER KING: Okay. And then what's the date certain that they have to have their final recommendation? Is it the same date as our Charter Amendment deadline for the following year?

MR. MURAI: I'm...I'm sorry, Councilmember, I...I don't have that information at my fingertips right now. But I know it...I know it's meant...it's meant to dovetail, you know, with...yeah. I'm sorry, I don't have that at my fingertips.

CHAIR MOLINA: Mr. Murai...

MR. MURAI: But I think it's probably 11 months.

CHAIR MOLINA: And Member King, can I interject real quickly? We're fortunate to have a Councilmember that was on the last Charter Commission. Councilmember Sugimura, do you recall back in 2011 when you guys...when all the Charter Amendments had to be submitted to...I believe it was to the Clerk's Office for processing for the election? I think it was maybe --

COUNCILMEMBER SUGIMURA: I don't remember...

CHAIR MOLINA: -- July or August I think, yeah?

COUNCILMEMBER SUGIMURA: So I don't remember the exact date, but we had a deadline that we had to get everything. And we had an attorney that was hired...I can't remember her name, Van Dyke (*phonetic*), you know, that...she taught at the university.

CHAIR MOLINA: Oh, from the University of Hawai'i, a professor. Yeah.

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COUNCILMEMBER SUGIMURA: Yeah. And...but she rewrote all of our Charter Amendments for the ballot, and we had to do a final report. And so it's more than just...we did two rounds of community meetings. At that time we could...we looked like the Budget Committee, where we went to every single district and solicited questions. And we did another round again. And at some point we had to cut off. But I don't...I don't remember the exact date, but...but it...it was. If it...if it mirrors what we had to do with this last election, is July/August to...to hit the ballot, right, for next...next year.

COUNCILMEMBER KING: Okay. And that was...and you didn't have to send it to the Council, it just went straight on the ballot if it came out of the...

COUNCILMEMBER SUGIMURA: Yeah. No, the Council doesn't...the Council doesn't change it.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: I don't remember.

CHAIR MOLINA: We can get the specific date for you, Member King, from maybe Ms. Kaohu from...

COUNCILMEMBER KING: Well, the 11 months is good to know because when you're asking someone to serve on a body like that, you know, you want to make sure that they're going to be there for the whole period and that they understand the commitment. So do you remember how often you met during those 11 months, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: God, I...I think we met...I feel like we met Monday through Friday. It was...it was quite a --

COUNCILMEMBER KING: Yikes.

COUNCILMEMBER SUGIMURA: -- huge time commitment. Yeah. I mean, you made that commitment and you traveled, right? I mean it was actual...it was a lot. It was very interesting.

COUNCILMEMBER KING: Monday through Friday for 11 months?

COUNCILMEMBER SUGIMURA: Monday through Friday, yeah. I think that was the schedule. I mean, I can look. Maybe you can ask Lisa, Corp. Counsel. Lisa was our secretary. I hate to...

COUNCILMEMBER KING: That seems like an awful lot of meetings.

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CHAIR MOLINA: Okay. We'll...we'll...we'll come back to you, Member King, for a follow up, if you have any. I'd like to go on the next Member.

COUNCILMEMBER KING: Yeah, just finding out the amount...the time commitment would be really good before we ask people to commit. Thank you.

CHAIR MOLINA: Okay, will do. Okay, let's go to Ms. Kama from Kahului. Any questions for Corporation Counsel or the Committee Staff?

COUNCILMEMBER KAMA: Yes, Chair. Thank you. So you know, I heard that...that there is going to be a time commitment. So are the volunteers, because that's what they are, will they be stipend or anything like that? Because you know, being on a board and commission one time a month is one thing, but to be time certain for 11 months, that's almost like a full-time job. So I just want to ask that question of you. Also, in terms of the qualifications for members of the Commission, do we have something in writing that says...you know, because when I look at...when I read the Charter, you know, and we...we disagreed on what it means, what it says. We've had to get attorneys to help us to understand that. That the people who are going to be looking at this Charter...I mean, sometimes, unless you've experienced it and you've gone through it, it's not clear sometimes what the message is or...or...or what your...why this is being done. So I would like to see if there is a job description, or what are the...you know, what kind of a qualification are we looking for in terms of sitting on this Commission? Also, we talked about earlier about the requirements. I think I was under the impression that people had to come from a particular district too, and if that's not what the intent is, then is there a way for the Council to...to get to a certain requirement from the district? And I think my last question is about in the event that we don't get the 11, I'm not sure why we wouldn't, but if we don't get that 11, how does...could...how does that...how do we fix it so that we can continue to still go on? So that's my questions, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama. Well, I think that was about six or seven questions, but...but we'll...

COUNCILMEMBER KAMA: ...*(inaudible)*...

CHAIR MOLINA: Yeah. That's all right, but we'll try our best to answer. I feel like designating Councilmember Sugimura as a resource now, you know, because she was on the Charter Commission. I'll try to answer one of them as far as the qualifications. To my knowledge, the minimum qualification is just age 18 and being a U.S. citizen. And of course, a preference for someone having some general knowledge of County government and the innerworkings. And I would hope that whoever applies for this reads the Charter, at least get to know what the Charter is about and have a general understanding of what a Charter Amendment is. So that...that's something I'm going to definitely ask of all applicants, have you read the Charter? And if they tell me they haven't, well, you know, their chances of getting selected, you know, have decreased.

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So if anyone is listening out there, please read the Charter if you're interested in applying for the Charter Commission. That's definitely a good start. Okay. Some of your other questions, Mr. Murai, are you able to...did you get some of the questions from Member Kama--or Mr. Forrest--that you can answer?

MR. MURAI: So I'll start with what I remember. I think the first thing Member Kama asked was about compensation of commissioners for their time, you know, given that it is such a big commitment. The answer is we can only reimburse for things like travel expenses, maybe meals if...if, you know, their time requires them to...to...to have a meal. But we are not allowed to pay them a salary for their work, just reimbursement for expenses. What else? I think Chair addressed your question about qualifications, and...and I will say this, aside from the minimum qualifications, you folks are the judge who the best person for the position would be. I think you also asked about geographic, you know, geographic residency, and it...it's true that...you know, as I recall the discussions, you know, the...the thought among Members was that...my impression was . . .(timer sounds). . . that you wanted...you know, you wanted that broad geographic description [sic]. There's no requirement that each district be represented by a resident, but I think you folks decide who can best represent Maui County and more particularly, your...your...your residency district. Was there anything else, Member Kama? Okay.

CHAIR MOLINA: Okay. All right, thank you. All right, let's move forward. Yes, before we go to Member Sinenci, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It's been asked twice now, and I want...I...I looked up the 2012 Charter Commission schedule, and if Members would like, I can share my screen so you all can see what it looks like. It looks like it was twice a month from 12:00 to 4:00. And I'll share my screen now so everyone can see what, you know, it...the...the calendar or the schedule could look like. So here's the regular meetings for the Charter Commission, 2011 to 2012. Oh, sorry, wrong one. Let me try again.

COUNCILMEMBER KAMA: Can you increase the font, Keani?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: I believe the Chair at that time was Josh Stone. And I guess the committee decides...or the Commission decides what their schedule will be like, yeah. I mean, if they want to go Monday through Friday or twice a week, it's pretty much up to the Commission. But...but I guess this a good template, or an example of what the last Charter Commission schedule was, yeah?

COUNCILMEMBER KING: It looks like eight hours a month.

CHAIR MOLINA: Yeah, that's good...good information to...to share with our applicants,

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definitely. Members, something to consider in your interview process as well, is like, for example, the Mayor's Office...if Commission members are going to be missing meetings, we should establish parameters as well. If a Commission member has two or three unexcused meetings, is that a process for removal? Let me follow up on that with Mr. Murai. Now, the...as far as regular boards and commissions, if a member misses meetings and the Mayor wants to remove that person, the Mayor would have to come to the Council for removal. Now, in this case, with our nine nominees, if any of them are not showing up for meetings, then what? They bring it to the attention of the GREAT Committee and then we decide to remove or not? Is...would that be the process, or is there something else we have to consider?

MR. MURAI: I...I...I think so, Mr. Chair. You know, I'm trying to draw off of my memory of what the...what the ordinance says, and I think it's, you know, it's directed at the Mayor because the Mayor has the great majority of appointments. I don't believe it's specific to...to Council, but certainly the Council can...well, let's not hope it gets to that then, that if a member finds that they're having trouble in making meetings, that they notify the...the rest of the Commission and see what they can work out. I...I...I don't know...I don't...I'm not...I can't recall whether the...the ordinance gives the Council the direct power. I believe it's...my memory tells me that it's directed at the Mayor, but give me a chance to research that and let me get back to the Committee on that.

CHAIR MOLINA: Okay. Yeah, something to consider. Because I think that...maybe Member Sugimura can refresh my memory, there might have been one member that resigned during the process. Do you recall?

COUNCILMEMBER SUGIMURA: . . .*(audio interference)*. . . recall the member resigning.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Okay. But I know there were some members that did miss meetings, and so this is something we run...want to really emphasize on all of our applicants, to --

COUNCILMEMBER SUGIMURA: Oh, you know what?

CHAIR MOLINA: -- be at every meeting.

COUNCILMEMBER SUGIMURA: I think...I...I take that back. At some point somebody resigned.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: Somebody...yeah, somebody did.

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CHAIR MOLINA: Right, right.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Okay. Yes, Member King?

COUNCILMEMBER KING: I just want to answer my previous question because I looked in the Charter Amendment, it says that you have 16...the Charter Commission has 16 months from the time they get appointed to submit the Charter Amendments.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So it's, I guess, it's six...it doesn't say that in the Charter Amendment and I guess it would be 16 months or before the deadline to get it on the ballot.

CHAIR MOLINA: Okay, good to know.

COUNCILMEMBER KING: You would think that that would be...

CHAIR MOLINA: Okay. All right, moving on. I know, Member Kama, we're on, yeah, and sorry, I kind of deviated a little bit and expounded on some of your concerns, but I'll come back to you for a follow up. I think we had Mr. Sinenci next. Mr. Sinenci, questions for the Committee or Mr. Murai or Mr. Forrest?

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. ...*(clears throat)*... Excuse me. I just had one question about would we, the Councilmembers, be clarifying our candidate? Would I be calling your office and saying hey, this is my...our pick for East Maui? Am I just sending the application to...to our candidate? Where would you get my confirmation that...that I'm...I'm picking one of the commissioners?

CHAIR MOLINA: I guess you can do both if you want, but definitely Committee Staff, I guess, first. Mr. Forrest or Shelly, any response to Mr. Sinenci's inquiry? Again, I guess it would be you just have to get it to us by no later than the February 3rd by 9:00 a.m. as to who you're selecting as your nominee.

MS. ESPELETA: Mr. Chair...

COUNCILMEMBER SINENCI: Okay. So I would be...

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MS. ESPELETA: Oh.

CHAIR MOLINA: Oh.

COUNCILMEMBER SINENCI: Go ahead, Ms. Espeleta.

CHAIR MOLINA: Go ahead, Ms. Espeleta.

MS. ESPELETA: Mr. Chair, I believe the proposed process is for the Members to send a memo to GREAT-5 identifying who they wish to nominate for posting by 9:00 a.m. on February 3rd. That would be --

COUNCILMEMBER SINENCI: Okay.

MS. ESPELETA: -- the notification to Committee.

CHAIR MOLINA: Okay. So an application --

COUNCILMEMBER SINENCI: Okay.

CHAIR MOLINA: -- with an attached letter then, I guess, yeah?

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

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Okay, let's go to Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So I...I posted the application on my social media and I asked like, you know, West Maui applicants and folks that want specifically to be nominated to me to CC my email, and then send their application to the GREAT Committee. Is that how you're...you're anticipating that working?

CHAIR MOLINA: Yeah, that will work fine. Yeah.

COUNCILMEMBER PALTIN: Okay. And then so basically 16-month commitment, eight to ten hours a week, don't be --

CHAIR MOLINA: Maybe more.

COUNCILMEMBER PALTIN: -- absent, read the Charter committee...or read the Charter, and things like that?

CHAIR MOLINA: Yeah. The suggestion to read the Charter, be up to...at least have some general idea of what a Charter Amendment is, what the County Charter is. Again, all...all...all of us have different parameters as to what we expect from our nominees. It's pretty open ended as far as what you would want from your nominee, but the

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basic to me...basic qualification would be at least to get an understanding of what the Charter is. And of course, you may have other requirements, and that's how it goes. So nothing's really set other than the --

COUNCILMEMBER PALTIN: And then --

CHAIR MOLINA: -- minimum requirements. Yeah.

COUNCILMEMBER PALTIN: -- in the past, we've had members from West Maui apply to boards and commissions, like Board of Ethics. And even though the CPAC was done with their deliberations, the Administration had told them that they wouldn't be selected because until the CPAC passed as an ordinance, they didn't want to put people on more than one board or commission. But because it's our choice, that's kind of out the window, that whole policy, because that's the Mayor's criteria for selecting folks?

CHAIR MOLINA: Yeah. Yeah. We have our own policy. If you want to put someone who is already on a County board or commission, that is up to you. Some Members may feel they want somebody who is not on another board or commission, this way they have the time. So again, it's up to you, and the individual itself, if you feel that individual can handle both their current responsibilities on our boards and commissions and the Charter Commission, that is, you know, up to you.

COUNCILMEMBER PALTIN: And then who would be running the Charter Commission meeting? It would be Corp. Counsel and somebody from the Administration?

CHAIR MOLINA: Mr. Murai, can you respond to that?

MR. MURAI: Yes, Mr. Chair. It's...it's up to the Commission who they want...well, I know in the past, I believe the last go around it was Mr. Kushi who advised the Commission. And I think two commissions ago they hired their own attorney, and I think it was Margery Bronster, if I'm not mistaken. And so it's...it's...it's up to you folks. But I know that the one constant, I believe, is Lisa Kahuhu was the Commission Secretary, and I don't know whether she'll be assigned this time around. But I think out of everyone, she has probably the most institutional knowledge of how past commissions were run. But yes, it's...it would be either an attorney from my office or, if the Commission chose, they could retain their own attorney.

COUNCILMEMBER PALTIN: And then I guess I have a question about, you know, the uncertainty, the second vaccine thing being cancelled and, you know, like if you wanted to nominate somebody that might be considered like high-risk group, is there any kind of assurances that this will be done virtually, or it's just take your chances, or that the County will be doing it as safe as they think . . . (timer sounds). . . is possible?

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CHAIR MOLINA: Mr. Murai?

MR. MURAI: I'm...if the question is whether they will...these meeting...their meetings will be...continue to be virtual, I...I can't speak to that because...well, right now the, you know, the Governor's...the Governor's emergency orders allows it. And I understand that, you know, the next matter on the agenda with...would be the amendment of the Council's Rules to provide for continued virtual meetings. I...I'd say for now yes, meetings will be virtual, but we can't...I can't predict too far into the future whether that will continue.

COUNCILMEMBER PALTIN: Thank you, Chair. I'll save my follow up for my next round.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Let's go to Mr. Johnson, any questions for Corp. Counsel or the Committee?

COUNCILMEMBER JOHNSON: I just have a question on the application form. So the one that I'm looking at right now, the '21 or 2021 Charter Commission Board application, question number four. It reads "If approved, I will remain committed to serving on the Charter Commission for a term starting March 1st, 2021 and ending on November 9th, 2022." Is that...that question is...is that a question? What are the applicants supposed to write, yes I will? And is that like a...I'm trying to get to the goal of that question.

CHAIR MOLINA: So my guess would be the preference is if we could get the nominee to commit to that date. Now, they don't have to. I mean, something can come up in their life where they have to resign, but that's my interpretation of it. Maybe Corp. Counsel or...or Mr. Forrest, can you comment on that?

MR. FORREST: I'll take this one.

MR. MURAI: Okay, great.

MR. FORREST: Sorry. I...I think, Councilmember Johnson, I think it's just relating to the problems that we've had with previous Commission members missing meetings, not being committed to the full term. I think it's just clarifying...it's...it's the applicant's opportunity to clarify how they do have this time and they are going to commit. To show their commitment.

COUNCILMEMBER JOHNSON: All right. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Johnson. And finally, Member Sugimura, for this first round? Questions?

COUNCILMEMBER SUGIMURA: Thank you...

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COUNCILMEMBER PALTIN: I think it's 21 months, March 1st --

COUNCILMEMBER SUGIMURA: So the process --

COUNCILMEMBER PALTIN: -- to November 2022...

COUNCILMEMBER SUGIMURA: -- the process then that we're going to be...or once we submit who our recommended nominee is, it'll go to Shelly, and Shelly's deadline...the Staff, it'll go to OCS Staff, and that deadline is...the public will submit applications by the 31st. But because there's the February 3rd posting, and I...is Shelly going to end up or is OCS Staff going to end up with a resolution listing all the names, or do we...how do we formally bring...bring the nominees forward?

CHAIR MOLINA: Ms. Espeleta or Mr. Forrest, care to respond?

MS. ESPELETA: Mister...Mr. Chair, I can respond to that. Based on the deadline of January 31st for all applications to GREAT-5 and the memo to follow from the Member of the individual they wish to nominate, then a resolution will be drafted in the form of Exhibit A, B, or C, where all nine names from the Members would be placed on Exhibit A. And then once the Committee vets the names on February 9th, then the individuals that they wish to move forward with a recommendation would be placed on Exhibit B. And those that they disapprove for recommendation would be placed on Exhibit C, similar to the process from last nominations.

COUNCILMEMBER SUGIMURA: Okay. So thank you. And I guess the difference that we're talking about is the Mayor appoints two and we nominate our nine, and so therefore we have to do this vetting process for ourselves. Is that right, Corp. Counsel?

MR. MURAI: That's correct.

COUNCILMEMBER SUGIMURA: And so Chair, what if we end up with a situation where the nine names that we submit then we don't have enough approved and there is whatever number, even one would make a difference? So what would...what is your next plan for that?

CHAIR MOLINA: Okay. So you're saying that if we don't have all 11 approved by March 31st or...or say at that February 9th meeting?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: Well, then you have to...okay, if a person gets rejected, say on February 9th, then I would hope that...for example, if it's your nominee, that you find another name and get it to the Committee ASAP. Then the following week would be a Committee meeting week, so that would be the February 16th. We could take it up on

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the 16th, discharge it to the Council meeting of the 19th. I mean, that's one potential alternative.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: I would hope that we wouldn't get to that, but we have to plan for something like that in the event it does...something does happen --

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: -- where we get rejections on the 9th of February.

COUNCILMEMBER SUGIMURA: Okay. Thank you, Chair. And if...or did you want us to submit like a person and an alternate name so that we wouldn't have to run into that problem?

CHAIR MOLINA: Let me ask OCS about that, or even Mr. Murai. Any thought to that, if we... we do that? Would that complicate things?

MR. MURAI: In my opinion, it...it would complicate things. One...and this goes back to the confidentiality of the applications. Once you make a person a nominee, then their...you know, their application would become public. Not the...not private stuff, but the things like, you know, educational background, work history, that kind of thing. It's...it's a novel idea. There's no reason why you could not do it. But I'm going to defer to Staff as to the, you know, any additional administrative burdens it might place on them.

CHAIR MOLINA: Ms. Espeleta or Mr. Forrest? . . . *(timer sounds)*. . .

MS. ESPELETA: Mr. Chair, just some thoughts. That could help expedite the process because we have such a shortened deadline for March 1st. I know you had mentioned, you know, if...if the Committee then doesn't recommend an individual that the Member nominates, that they would have to go back to the drawing board or back to the applicant pool and pull another name. So by sending an alternate at the same time as the...the name of the...the individual that the...the Member wants to nominate would help to expedite things, but we just have to ensure that we're only dealing with the...the top nine, and then the alternates would be like a side list. We'd probably have to manage that somehow.

CHAIR MOLINA: Okay. Member Sugimura, does that answer?

COUNCILMEMBER SUGIMURA: Yeah, so you're saying yes or no? Do we...do we...is that a decision?

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CHAIR MOLINA: Well, if we come up with an alternate. So...so basically you're...you're saying that we should submit your top choice, your number one choice, and then have an alternate person in the event your top choice does not make the...make the cut, so to speak?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: I guess if it's...that doesn't create an inconvenience or cause unintended consequences, it could work. Keep in mind, I mentioned the Committee meeting of February 16th that would follow this February 9th meeting. You would have one day...well, I guess that we could alleviate that problem. Okay. So say if your A candidate doesn't make it, then on that same day, February 9th, we could consider that alternate candidate then. Is that...now, what if that...that candidate doesn't make it too? So I mean, God forbid, you know, I hope we don't get to that, but...

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

CHAIR MOLINA: Mr. Murai?

MR. MURAI: You know, your...you...it's good to worry about unintended consequences because I can think of a scenario where, let's say you have your first pick and a second pick, what if public testimony is hey, no, we like guy number two better than guy number one, you know, you kind of set them off against each other...unintentionally, of course.

COUNCILMEMBER SUGIMURA: Yeah.

MR. MURAI: I wonder whether it might be better for each Member to advance their own pick, but have in the back of their mind a number two just in case --

COUNCILMEMBER SUGIMURA: Okay.

MR. MURAI: -- without necessarily disclosing that person yet.

CHAIR MOLINA: Okay. Yeah, good point, I never thought about. It could create a real uncomfortable situation for the nominees. Now, going back to my earlier response to Member Sugimura. So rather than listing that number two pick for February 9th, just have a number two pick ready so...and get it to the Committee by February 10th so we can address it on February 16th if we have to.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: I mean, that's...and then, you know, we...we --

COUNCILMEMBER SUGIMURA: Good plan.

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CHAIR MOLINA: -- we discuss it and then we discharge it from Committee or defer it and then take it up at the February 19th Council meeting. Does that sound workable, Mr. Murai or Chair Lee?

COUNCILMEMBER LEE: Sounds workable.

CHAIR MOLINA: Okay. Okay, so that's...I guess I don't want to call it the worst-case scenario, but in the event we do...your nominee does get, you know, disapproved on the 9th, have your second nominee ready to go and send it to Committee by the 10th. So you got 24 hours basically to get it to Committee, your alternate.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: We'll be hounding you too. Okay. All right, let's go now to...back to our...did we go through everybody this first round? Okay. Let's go back to...a follow-up round. Chair Lee? Upon hearing all of this --

COUNCILMEMBER LEE: Mr. Chair, thank...

CHAIR MOLINA: -- you have any questions?

COUNCILMEMBER LEE: Yeah. Thank you. You know, I've been through this before. Some of the specifics have changed, but not really the substance, so I really don't have any questions. Thank you.

CHAIR MOLINA: Okay, thank you. Let's go to Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I...I am very disappointed with the...with this process, and I am opposed to it for the reason...so this was a Charter Amendment that I proposed, and it passed. And the intention of this Charter Amendment was to increase transparency, not reduce transparency. And right now, this process is limiting transparency on how each Councilmember would make a decision on who they nominate. The intention was not for only nine to make it out to the Committee. And this...what...what I had envisioned for this was what Member King was fighting for since she got onto this Council, which is to see all the applications, everyone who applied. And that was what I asked when I first started. So all applicants, all interested applicants would send their application to the GREAT Committee, and the answer I received was yes. But now, as we've gone through each Member, it's become clear to me that only the nominee would make it onto the...onto Granicus for everyone to see. And what Mr. Murai pointed out is exactly what I want to see happen. I want the community to be able to have a voice to say who gets onto the Charter Commission because that was the purpose of this Charter Amendment. Because the community hasn't been able to have a voice in who the Mayor sends down as his nominees for us to be able to confirm or deny. And this process was not

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meant to mimic the Mayor's process. The process...this process was supposed to be to...to give everyone an opportunity to...to provide their...to...to submit their application, and there'd be a fair process. And try to remove politics. And in that way, truly, the best candidate would be chosen. And right now, there would be a lot of politics. And I...and I...I trust everyone, but I also know that I...I...as a Councilmember, I don't know everyone. And...and sometimes other Councilmembers will know people that, you know, is outside of my network, and would be an amazing person to serve on this Charter Commission. And that, you know, maybe that person is from Moloka'i, and I somehow don't know that person from Moloka'i. And if that person from Moloka'i is like an amazing person that I would wholeheartedly support, you know, I...I...I would want to hear that. And I would...I would want to support that person that would do our, you know, County justice by serving on the Commission. So I...I would like to propose that this process be amended by allowing all applicants have their application posted publicly, and I think this would alleviate the problem that Member Sugimura described, which is do we have an alternative or...so that way we're really choosing from a larger pool of candidates and not only nine, which has been the...the problem sometimes with the nominees that come down from the Mayor. So I...I would like for that to be the process. What...Chair Molina, what would be the...the process right now for us to amend the proposed process?

CHAIR MOLINA: Basically it's kind...somewhat open ended. I mean, I want to take all of your input, and if we can just consensus or if we have to go to a vote, we can do it that way. I leave it to you. So do you...well, let's get . . .*(timer sounds)*. . . feedback from the Members. So your proposal is to make the applications public, all applications where...as I mentioned earlier, if it's sent to the Committee then I guess Councilmembers would have access to all the applications except for the contact...well, the personal information, that stuff has to be confidential. We cannot expose that to the public, definitely not that. But as far as the...just the names in general, they...I guess it's...I would assume it's a two-page application. Front page is the general information, second page is the contact information, like the Mayor's Office application. I guess...well, my only concern was with the...the privacy issue laws. If we...I don't want to run afoul of that, and I think Mr. Murai was still doing some research on that. I mean, I'm okay either way. I mean, I had suggested even putting on the application that, you know...because some members of the public may be apprehensive about having their...having the public know they're applying for it. So at least if you put...put that on the application that, you know, your application will be made public, then it's up to the applicant to apply or not as to whether they want to have their names exposed, you know, as an applicant. Well, let me get...Mr. Murai, you have anything to add before I ask for the Members...

MR. MURAI: Yeah, thank...thank you, Mr. Chair. If...if it's the Committee's wish that all applications be accessible to the public, that's...that's your call. In fairness to the applicants or potential applicants, so they should know that in advance. Usually when...and my understanding is, is that all Members would have access to review all applications. So if...the only difference that Member Rawlins is suggesting is that all

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applications be available to the public, then that...you can do that. You may have to redact things like, you know, home phone numbers, home addresses, you know, things like that. Now, typically when...when government agencies keep the applications private, it's usually because they don't want to discourage people from applying, and...and if...if that's not a concern for the Committee, then by all means, you're free to...to, you know, you're free to, you know, to disclose the applications of all applicants. And as I said, usually the...the...the balancing process is accessibility to the public versus privacy of the applicants, and the risk that someone may be discouraged from applying because, you know, their application becomes, you know, public immediately. In other words, as with most other nominees, your application may only become public once you are nominated and, you know, you're up for approval. So it's...it's...it's your call, there's nothing illegal about it. Certainly you can...you can make all the . . . *(audio interference)*. . . public, but I think in fairness to the...to the applicants, they should know in advance that that's...that's how it's going to be.

CHAIR MOLINA: Okay. Good suggestion. Well, that's something that I had thought about initially too, in our...our discussions about going over through this process. So I don't know if it can be indicated on the application that...to inform the applicant that your application is a public document, can be, like, viewed by anyone. So at least...I agree with you, so at least if I want to apply for the Charter Commission, by doing that, I knowingly am aware that my application will be made public. So this way there's no argument or complaints from those that say hey, I didn't want my application made public. This way it's right on there. Sort of a disclaimer, is that what...what it would be called, I guess, Mr. Murai?

MR. MURAI: Well, not necessarily a disclaimer, but just a notice. And...and...and...you know, in other words, a notice that once you file this, it gets posted. You know, we're going to, you know, we're going to...we're not going to release things like your...your private...you know, your personal cell phone number, your personal email address, but we will disclose the rest of your application that may talk about your qualifications or the reasons for your wishing to be on the...on the Commission.

CHAIR MOLINA: Yeah. Okay, very good. Member Rawlins-Fernandez?

MS. ESPELETA: Mr. Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, go ahead, Ms. Espeleta.

MS. ESPELETA: Oh, I apologize. Mr. Chair, I just wanted to clarify, on the draft application, page 3, there is under note, page 1 of this application may be made available to the public for viewing and copying. It needs to be amended for pages 1 and 2, which as Mr. Murai had just stated, it goes over the responses to the questions as to why they want to serve on the Commission and so forth. But page 3 would be their contact information, which would include their home address, mailing address, et cetera, that

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in normal circumstances, similar to what we follow for the Mayor's nominations, that information is kept confidential from the public.

CHAIR MOLINA: Okay. So just pages 1 and 2 would be public?

MS. ESPELETA: Correct.

CHAIR MOLINA: Okay. All right, Members, any thoughts?

VICE-CHAIR RAWLINS-FERNANDEZ: That was me. That was what was...I was going to say. Mahalo, Chair.

CHAIR MOLINA: Okay. Yeah, I'm glad Ms. Espeleta reminded us of that. Because I don't know if you had a chance to look at that application, there was that...that...that language in there to address your concern. Member King?

COUNCILMEMBER KING: Thank you, Chair. And thank you to Member Rawlins-Fernandez for invoking my...something I've been fighting for since the beginning. I was actually told that it would be illegal to expose the applications, and so then I was focused on at least let the Councilmembers know who all the applicants are. Because when we decide on a certain member for a board or commission, we should also know who else has applied because, you know, some people...some members of the public have been saying they've been applying and never even getting, you know, a shoutout or recognition that they've applied and never have any response. So I think this a good compromise of, you know, letting folks know why we're...you know, that there is a pool, that we're choosing people from among a pool of whoever applied. And I do think that the folks should be willing, if they're going to apply for a board or commission to, you know, to have their name out there. Because if they get picked, their name is going to be out there anyway and that's, you know, the desire. So I think that's good. I think the application also needs to be changed to...rather than designate March through November, to say possibly up to 16 months, which is in the Charter. So from whatever time it gets seated, they should be willing to serve for possibly 16 months instead of just 11 or whatever the March through November would be, which would take it through July of...of 2022 instead of November of 2021. So that would be one thing. The other question...one question I had is if we do our job and get all of our nine seated and the Mayor doesn't seat his two, is there a provision per the other boards and commissions that those two names would bounce back to the Council and the Council would be able to seat the...the remaining two?

CHAIR MOLINA: So if...if the Mayor doesn't meet our deadline, I guess?

COUNCILMEMBER KING: Right.

CHAIR MOLINA: That's something to consider. Corp. Counsel, any response to that question? Which was a good one, good question. Yeah, I never thought about that.

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So if...if the Mayor was late...like, I've imposed a deadline to the Councilmembers to get their nominees in by January 31st. If the Mayor happens to be late with his, then do...do we get the choice of those two nominees, the Council does?

MR. MURAI: Well, I believe that the...the...the normal process for filling board and commission seats that if the Mayor fails to fill in a timely manner would then revert to the Council, just as it would for any other, you know, unfilled mayoral position.

CHAIR MOLINA: Okay. So it's our responsibility to inform the Administration what...what the deadline is.

MR. MURAI: Right. I think in fairness, the Mayor's Office should be notified of the Council's deadlines so that they can...so that they can comply.

CHAIR MOLINA: Okay. Very good.

COUNCILMEMBER KING: Okay, great.

CHAIR MOLINA: Okay. Thank you, Member King.

COUNCILMEMBER KING: Yeah, thank you for that clarification.

CHAIR MOLINA: Member King, sorry, I think I had Member Rawlins-Fernandez on the floor for this follow up. I'll come back to you after Member Rawlins-Fernandez --

COUNCILMEMBER KING: Oh . . . *(audio interference)* . . .

CHAIR MOLINA: -- is done.

COUNCILMEMBER KING: Oh, I'm sorry. I thought you were finished. Sorry then.

CHAIR MOLINA: No, no, no. Member Rawlins-Fernandez, are you...are you...do you have...

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: You want to follow up?

VICE-CHAIR RAWLINS-FERNANDEZ: I...

CHAIR MOLINA: You want to follow up?

VICE-CHAIR RAWLINS-FERNANDEZ: Where we...mahalo, Chair. I think where we left off was getting feedback on what I had proposed. And then I'm not sure if we're going to try to take a vote or if we're going to, like, get consensus on amending the process.

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CHAIR MOLINA: Yeah. Members, any...well, you've heard the response from our Committee as far as the application. I guess the issue was about transparency, and would the applications be made public. On this case, the applicant is going to have a...an understanding ahead of time that the applications could be made public, or at least the first two pages. Do we have consensus on that, or do any of you feel we need to change the process? Any thoughts, or can I just say consensus?

COUNCILMEMBERS: Consensus.

CHAIR MOLINA: Okay. Everybody's satisfied with the application and the language that's on the application that informs the applicant that your application could be made public or will be made public technically? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Will be made public. The first two pages.

CHAIR MOLINA: The first two pages, correct.

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

CHAIR MOLINA: Okay. Okay. Are you done with this follow up, Member Rawlins-Fernandez, or you have another one, or can I move on to Member King or the next Member --

VICE-CHAIR RAWLINS-FERNANDEZ: Yielding --

CHAIR MOLINA: -- who has a follow up?

VICE-CHAIR RAWLINS-FERNANDEZ: -- for now. I...I wanted to just quickly make a correction to Member Paltin. I...I wrote in the chat, but I'll...I'll make it verbally too. Member Paltin said it would be a commitment of eight hours per week. The...the last Charter Commission was eight hours per month. So it was four...two four-hour meetings per month, so not eight hours per week. Mahalo, Chair. I'll yield the floor.

CHAIR MOLINA: Okay, thank you. Good. Just to follow up on that, could we maybe...I guess when we do our interview process, it could be at a minimum of eight, possibly more. Because, you know, it depends on the commission, yeah, you could have some commissions that want to just grind away and put in the time. So at least maybe inform the public that you're looking at a minimum of eight hours, what was it, a month? Possibly more.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. So...yeah. So what I would say is the previous Charter Commission agreed to a schedule that required them to meet twice a month, four hours each, for a total of eight hours a month. So that was the previous Commission. The next Charter Commission would have that same ability to determine their schedule and the time commitment. So it could be more, it could be

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less, it would depend on what the seated Charter Commission council...Commission members would decide.

CHAIR MOLINA: Okay. Very good. Thank you for your follow-up questions. Member King, you had a follow up?

COUNCILMEMBER KING: Yeah, thank you, Chair. So just wanted to clarify the question that was asked by Member Paltin earlier about who would run the meetings. And we heard that Corp. Counsel would be supporting it, and there would be a Secretary. But as far as who runs the meeting, my understanding, so I wanted to get clarification, is that the Charter Commission would meet and choose a chair and a vice-chair. And so they would actually run their own meetings. The Corp. Counsel and the Secretary are support for those meetings.

MR. MURAI: That's correct.

COUNCILMEMBER KING: Okay. So just like all the other boards and commissions, they would...the body would get together, the 11 of them, and choose their leadership and set...

MR. MURAI: Their first order of business would be to elect a chair. The...someone would have to sit as a...like a chair pro tem to conduct the...the election. But as soon as the election is conducted, then the chair who's elected would...would assume...assume the chair.

COUNCILMEMBER KING: Okay. And is that something that we have to decide, like who the chair pro tem would be, or do they just get together and decide who's going to run the meeting until they have that election?

MR. MURAI: I...I don't know...well, I don't know whether you need to decide, but typically it's...typically it's whoever is there. You know, it's...it's more of a ministerial thing in my...in my experience.

COUNCILMEMBER KING: Yeah, I just wonder because, you know, for our Council, the Mayor runs the meeting until we choose the Chair, and that's in the Charter, but I wasn't sure how new boards and commissions...you know, is it somebody...when you talk about ministerial, is it somebody from the Administration side, one of the support people that would run it until they have the election?

MR. MURAI: I...I don't know. At least I can only speak to my own experience, and in...in the boards and commissions that I've advised, I've acted as the chair pro tem simply to call the meeting to order and to get a...get someone elected to be the...to be the chair.

COUNCILMEMBER KING: Okay. All right. I think that's all the...the questions I have. But we have a lot of deadlines floating around out there, Chair Molina, so if you...when we

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get done, maybe you could outline all the...the application deadline, the posting deadline, the meetings we're going to be having, the Mayor's deadlines, and so we have all of that kind of clear in one document.

CHAIR MOLINA: Definitely will do that, that's for sure.

COUNCILMEMBER KING: All right, thank you.

CHAIR MOLINA: Okay, thank you. Let's go to Member Kama, you have any follow-up questions?

COUNCILMEMBER KAMA: Thank you, Chair. Yeah, I...I did, and I just want to say that, you know, the 31st of January is the...is a Sunday, right? So when you want...when you talk about having be able to get these apps in by the 31st, so does that mean that they have to be stamped by the post office or stamped by the Clerk's Office or...or OCS or whoever receives them? And so I'm not clear about that. So if you could straighten that out or, you know, help me with that. I like the idea of having everybody just send their applications to one place --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: -- so that we'll have all of those people to choose from, right? And read and go through that. So I kind of like that idea from...and that way you have your own backup list, and it's already been vetted. So...and then I also wanted to ask about in the event that...that the commissioners get established, and they're on their way, and somebody drops out, does that mean that you can go back to the backup list and replace them with somebody else, or you just kind of like leave them to go on their own? So that's another question I wanted to ask. And...and I think...so when we talk about the time certain, I think Kelly was talking about that, that from March 2021 to November 2022 is actually 20 months. It's 20 months. So instead of telling them...so if they're...if on the application it says that they're going to commit themselves to...to remain in commitment...committed to serving on the Commission, I think we either got to say it's 16 months, or we're going to keep the March 1 [sic] to '21 in, or...but not be so confusing. I mean, if it's 16 months, tell them what it is and what the months are. But if you leave it like that, it kind of makes it open ended for them. So that's my comments and my questions, Chair. Thank you.

CHAIR MOLINA: Okay, very good. Okay, for your first question about the January 31st and it should be stamped. Staff, any comments on that? And I know I mentioned earlier about the...possibly giving some flexibility, but I didn't take into consideration that, you know, you need to time to get...you need a couple days to get all those applications put onto Granicus and all of that. So any thoughts on Member Kama's questions about the...everything having to be stamped officially? I guess it depends how you send it, yeah. If you send it by slow mail, postmark, email, well, the date and time will be on there. I don't know if anybody uses fax as much, but...

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MS. ESPELETA: Mister...

CHAIR MOLINA: Ms. Espeleta or Mr. Murai, any thoughts?

MS. ESPELETA: Mr. Chair, I can provide a quick comment. So January 31st is the proposed deadline to receive all applications, whether it be via email, which is preferable. We do have on the application the option of faxing it in to the office, where it would be timestamped as well. Or if they choose to mail it in, an address is also included on the application. Staff will then check for any applications received that Monday morning, and then transmit that to GREAT Committee.

CHAIR MOLINA: Quick question. When I worked in the Mayor's Office, the boards and commission person, we had members of the public that would come up to the Mayor's Office and drop off their applications. Now, with COVID...so Members, your thoughts on having the public drop off applications to the building? Do we want that or not? I prefer that we try to avoid that as much as possible because of the COVID concerns that we're presently in. So all applications should not be brought in person to the...say, the 7th floor. . . *(timer sounds)*. . . Any thoughts, Members? Can we agree on...on the press release or on the application, applications are not to be dropped off in person. Any thoughts? Committee Vice-Chair Rawlins-Fernandez, followed by Member Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I...I understand the COVID concerns. I...I...I think it would be good to have somewhere to drop off if we can, you know...is the...is the Clerk's Office open? Can we put, like, a drop box in --

CHAIR MOLINA: Drop box, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- in there? And then that way, you know, it can...for a few hours, and if there's any...you know, the...the virus on inanimate surfaces, I think, doesn't live as long and...or, you know, there could be precautions taken to any transmission.

CHAIR MOLINA: Yeah, that's a good suggestion.

VICE-CHAIR RAWLINS-FERNANDEZ: I would like to have a physical drop-off. Oh, Chair Lee?

CHAIR MOLINA: Some people are not electronically inclined. I...I saw Member...well, Chair Lee, you have a follow up to Member Rawlins-Fernandez?

COUNCILMEMBER LEE: Yes.

CHAIR MOLINA: Okay, go ahead.

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COUNCILMEMBER LEE: Yes. Let's see if we can drop it off on the 2nd floor. The 2nd floor, they just walk in and walk out. Okay.

CHAIR MOLINA: Okay. Okay. Member Sugimura, any thoughts?

COUNCILMEMBER SUGIMURA: I was going to say that if you have a physical address to drop off, you have the district offices, you know, the West Maui, Lānaʻi, Molokaʻi, and maybe people want to, you know, drop off there. As well as, you know, I guess not 7th floor anymore, but 2nd floor. So I'm not too sure where they would drop it off. But there's that...I guess the box outside that's really to pay your bills outside the door.

COUNCILMEMBER LEE: Mr. Chair?

CHAIR MOLINA: Chair Lee? Yes.

COUNCILMEMBER LEE: I insist it be on the 2nd floor, and I have my reasons, okay? Period. Not hard to put a box there. Thank you.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: Yeah, there is a box outside.

CHAIR MOLINA: Yeah, my only concern with the district office then it's incumbent upon that district person to make sure they get that application in on time because if they miss it, you know. So I would prefer we just keep it one place, the County Building, as a drop-off area to be safe. Okay. All right, Member King?

COUNCILMEMBER KING: Yeah. Thank you, Chair. You know I...I don't have a problem with it going to the district offices because we have staff at each of those district...district offices. So the staff can be responsible for making sure that the application gets scanned and gets sent in to wherever they're...you know, to the GREAT Committee if they...if they're just a hardcopy. I think that's...that's who we should make it incumbent upon is the staff who gets paid to work at all these district offices, and not necessarily the Councilmembers making sure they get the applications in. And then that way...that way if you...if you are the kind of person that wants to walk into an office with a hardcopy, and you happen to live on Lānaʻi, Molokaʻi, or one of the outlying districts, then they can take that information on. Because I...I think that's one of the...the purposes of those district offices is to make it so people don't have to drive in to the main, you know, chambers, the main building.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So anyway, that's...that would be my suggestion is just..just, you know, put it on our...our employees who work at those district offices.

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CHAIR MOLINA: Okay. Then if we do that, then we got to remind the employees the deadline, the public's deadline becomes shorter, January 29, because they're not going to be working there on the weekends.

COUNCILMEMBER KING: Right. Right, exactly.

CHAIR MOLINA: Okay. So...all right. So...

COUNCILMEMBER KING: For the hardcopy. For the hardcopy.

CHAIR MOLINA: So...so...yeah, so any drop offs to the County Building and district office have to be...has to be done by January 29th. Okay. So...okay. Something to consider. Member Sugimura, followed --

COUNCILMEMBER SUGIMURA: So question regarding --

CHAIR MOLINA: -- by Member Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: -- the district offices. So are the district offices open? Considering we're, you know, our situation, are they open? So people can just walk in? Or are they working like us, primarily from home? Lānaʻi, Molokaʻi, and West Maui. Are there people all day there, like now?

VICE-CHAIR RAWLINS-FERNANDEZ: I can speak to that, Chair, for Molokaʻi.

CHAIR MOLINA: Okay. Ms. Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For Molokaʻi, our office is open, and we have been getting walk-ins regularly. So yeah, so people can drop it off. And so it can...it can be on the application. And I...I would advocate for February 1st instead of January 29th. And then that way...February 1st is the...is the Monday. I understand that it's...it's cutting into the...the Staff's time to upload the applications to Granicus, but I think...

CHAIR MOLINA: And also, the...yeah, and also the Members' time to interview...to interview as well too, yeah? I mean, if you get a boatload of people from...submitting applications, it could also affect that. So anyway, that's the proposal...

MR. MURAI: Mister...Mr. Chair?

CHAIR MOLINA: Mr. Murai?

MR. MURAI: You know, actually, Member Rawlins-Fernandez's suggestion is actually a good one. Because by State statute, if any deadline falls on a weekend or a holiday, the due

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date is always extended to the next business day anyway. So even if we stuck with January 31st, as a practical matter, February 1st is still...is the deadline. So I think for the sake of clarity and not confusing the public, it may be...you know, as a practical matter, February 1st is the deadline. So we should probably call it that.

CHAIR MOLINA: Okay. So noted. Good suggestion. So it'll be February 1st, Monday, the deadline for the public to get their applications in, and then February 3rd for us to get our nominee in to the Committee. Very good. Member Paltin, you had a...regarding the district office, I believe you had a question.

COUNCILMEMBER PALTIN: Oh, okay. It's not my turn for the follow up yet, right? This is the --

CHAIR MOLINA: Oh.

COUNCILMEMBER PALTIN: -- district office one?

CHAIR MOLINA: Yeah, just the district office subject matter.

COUNCILMEMBER PALTIN: Okay. Yeah, we're here every time when there's committee meetings. We're here right now. But if we're not here, we have a drop box outside with a pull handle, so anyone can just drop it in that pull handle outside, and we'll pick it up on February 1st and send it in.

CHAIR MOLINA: Okay. Good to know. Thank you. Oh, Mr. Sinenci also has a district office. Mr. Sinenci, your thoughts?

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. So just for clarification, they don't have to send in their application to the GREAT Committee, it'll come in to our district office?

CHAIR MOLINA: Yeah. They could drop it off at your district office and then your...your staff, or the district office staff sends it to the GREAT Committee.

COUNCILMEMBER SINENCI: Oh, okay. Thank you.

CHAIR MOLINA: By February 1st. Okay. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of...yeah. So what Member Sinenci was asking was either/or, it sounds like. But people who would like to apply can email, but for those who don't have access to email, they can...they can even come and get an application from the district office on Moloka'i if they would like. I...I would be happy to provide that. And then that way they can, you know, fill it out, hardcopy, and then submit it back to us. And then we can scan it and get it to our staff on Maui. But...but those that do have access to Internet, they...they can email it, and those who

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have access to fax could fax it. So the...that way there's all these options to get their applications to us.

CHAIR MOLINA: Okay. So the district office, maybe make note of that so it's all uniform, so all district offices can provide applications as well, yeah, instead of just, you know, only Moloka'i. We make it everybody, everybody does it, yeah? Okay. Member King?

COUNCILMEMBER KING: Yeah, just another question on that. The goal is to have all the applications in by February 1st and sent to the GREAT Committee. Because I...because we...we had that big discussion about all the names being transparent. So the only way that can happen is if they...all the names are transmitted to the GREAT Committee, and then you...and then your Committee can put those names on Granicus with whatever information they've agreed to show, the first two pages, I guess. But...so if anybody sends...even if they email me directly or, you know, hand me their...their application, it's still...all...all of that needs to go to the GREAT Committee so you have all the information in one place.

CHAIR MOLINA: Right. The thought just occurred...now, maybe Mr. Murai can help me out on this. So the person has until 11:59 p.m. to get that application in on February 1st. Now, our district offices are open until 4:30, I would assume in the afternoon. How do we deal with that? So I guess if somebody sends in...emails an application at, you know, five minutes to midnight, then that's still good? Or can we legally put a...a time on there, like, all applications in by 4:30 on February 1st, or what? Can...do we have that flexibility, or are we bound by law that we have to...

MR. MURAI: No, no. You can specify by close of business on the 1st --

CHAIR MOLINA: Okay.

MR. MURAI: -- which would make it 4:30. So...in fact, you could make it 4:00 so that Staff have time to process it before they pau hana.

CHAIR MOLINA: How about 12:00? I know --

COUNCILMEMBER KING: Yeah, how about...

CHAIR MOLINA: -- Staff would like that better.

COUNCILMEMBER KING: Noon.

CHAIR MOLINA: High noon.

MR. MURAI: That...that's...that's up to you folks. You...you...you know, you can...you can do that.

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CHAIR MOLINA: Okay. So we can set a time...time as well as a date then. Ms. Espeleta, what's your thoughts? Sooner the better? 4:30...is 4:30 workable or 12:00? Committee Staff?

MS. ESPELETA: Staff would prefer an earlier time, but whatever the Committee decides would be a deadline on the 1st.

CHAIR MOLINA: Okay, Members, I guess I'll be a little bit biased and sympathetic to my hardworking Staff, I would...12:00, but ultimately, it's the call of this body. What's the time parameters we...we would like to set, 4:00, 3:00, 12:00?

COUNCILMEMBER KING: I would...I would --

COUNCILMEMBER SUGIMURA: 12:00.

COUNCILMEMBER KING: -- support 12:00.

CHAIR MOLINA: 12:00. Do we have consensus?

COUNCILMEMBER KAMA: Me too.

CHAIR MOLINA: 12:00, February 1st --

COUNCILMEMBER KAMA: 12:00.

CHAIR MOLINA: -- deadline for all applications? 12:00? Okay.

COUNCILMEMBERS: Consensus.

CHAIR MOLINA: So ordered. Consensus? All right, very good. Okay. Let's see, I kind of lost track here who has the next follow up. Was it Mr. Sinenci? I know we had...I know he had Miss...Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Yes? Yes, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For your consideration, before we move to the next follow up, we didn't hear from Member Johnson about whether the Lānaʻi District Office would be available for walk-ins. So if I...if ...*(audio interference)*...

CHAIR MOLINA: Oh, okay. Mr. Johnson, is that workable for you, do walk-ins?

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COUNCILMEMBER JOHNSON: Yes, of course. I...I...thank you, Chair, for the question. Yeah, it...it works fine. Everything's what everyone else was saying, we'll be open and ready for them.

CHAIR MOLINA: Okay, very good. All right. Member Paltin?

COUNCILMEMBER PALTIN: I just wanted to clarify, say our district office receives it at 11:59, 12:00, we have a grace period of about half an hour to forward it to the GREAT Committee?

CHAIR MOLINA: That's...Ms. Espeleta, is that doable? Any problem? Well, it's our call.

MS. ESPELETA: Yes, it...it depends on the --

COUNCILMEMBER PALTIN: Because we might have to --

MS. ESPELETA: -- Committee's decision.

COUNCILMEMBER PALTIN: -- scan it or whatever.

CHAIR MOLINA: Yeah, yeah.

MS. ESPELETA: Fine.

CHAIR MOLINA: There's a little bit of flexibility there. But...yeah, but good point to bring up, Member Paltin. Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just for clarification, once it's received by Council Staff, which is the district offices, then it's received by the deadline and it's done. It's...it's qualified is...is how I understand the application deadline.

COUNCILMEMBER KAMA: Me too.

VICE-CHAIR RAWLINS-FERNANDEZ: Right?

COUNCILMEMBER KAMA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: As soon as we receive it --

COUNCILMEMBER KAMA: Right.

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VICE-CHAIR RAWLINS-FERNANDEZ: -- then it's...it's been submitted --

COUNCILMEMBER KAMA: You're in the clear.

VICE-CHAIR RAWLINS-FERNANDEZ: -- in time. It's --

COUNCILMEMBER KAMA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- timely.

CHAIR MOLINA: Okay. Okay. Member Paltin...

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, and we can scan it.

CHAIR MOLINA: Okay, sorry. So Member Paltin, your...your follow up on that, Member Paltin?

COUNCILMEMBER PALTIN: We don't have a timestamp here that I'm aware of at our district office.

CHAIR MOLINA: Oh, okay. Hopefully they email it to you. But in the event it does, yeah. Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I don't know if we have a timestamp either, but I would totally trust your office, like, writing in the...the date and time once it's received. It's the same thing.

MR. MURAI: Mr. Chair?

CHAIR MOLINA: Yeah, I just...Mr. Murai?

MR. MURAI: Mr. Chair, there's no requirement for an actual physical timestamp. You know, the Staff would simply note the date and time that they received it and initial it, and...and that's just as good.

CHAIR MOLINA: Okay. Everybody okay with these parameters? Very good. Okay, who did I...who was I supposed to recognize? I think we had...was it Mr. Sinenci for a follow up? Mr. Sinenci, you had a follow up?

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER SINENCI: No follow up.

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CHAIR MOLINA: Okay. Let's go to Mr. Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair. I have no...no follow up. Thank you.

CHAIR MOLINA: Okay, very good. All right, Member Sugimura?

COUNCILMEMBER SUGIMURA: Great discussion. So the...we're going to end up with everybody who applied in my district, so I could have, like, ten names that will be either given to or sent to the GREAT Committee directly. And then we come up with our selection that we recommend to you on...for the February 3rd posting. And the meeting will be on the...is that February 9th?

CHAIR MOLINA: February 9th.

COUNCILMEMBER SUGIMURA: Yeah? February 9th is going to be your Committee meeting to discuss --

CHAIR MOLINA: Right.

COUNCILMEMBER SUGIMURA: -- the...who the...who the nominations will be, correct?

CHAIR MOLINA: Right. Correct.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: You know what, Members, what I'd like to do, I'd like to give you guys just a short break and I'm going to ask Staff to just do a little rundown of what we've discussed and agreed upon this morning. And when we come back, we'll do a walkthrough of what was discussed and agreed upon after break. How's that sound?

COUNCILMEMBER SUGIMURA: Sounds good.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Sounds great.

CHAIR MOLINA: All right. Members, we'll take a --

MR. MURAI: Mr. Chair?

CHAIR MOLINA: -- short recess...yes, Mr. Murai?

COUNCILMEMBER PALTIN: I didn't get a chance for a follow up.

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MR. MURAI: Before we break, I just wanted to raise one...I wanted to make a couple of corrections of things I said earlier. And first of all, I wanted to address something that I responded to Councilmember Kama when she asked about compensation. I said that they're not compensated, I want to correct myself. According to HRS 50-15, I believe, Charter Commission members are paid \$1,000 plus expenses.

COUNCILMEMBER PALTIN: Whoa.

MR. MURAI: So...and, you know, I don't know whether past Charter Commission...commissions have been paid, but the statute is pretty clear, it says they shall be paid \$1,000. Another thing that I'd like Staff as well as Members to look at, if they have the opportunity, is look at HRS 50 because it does spell out kind of like the procedure. Like, for example, after one year, the Commission makes a...makes a...sends a package of their proposed amendments to the Council. The Council can then review and propose alternate, you know, amendments back to the Commission. So it's kind of a back and forth thing. And then ultimately, the Commission does...you know, then the Commission will then submit it to the Clerk prior to the next election. So there's a...it's a kind of involved process that is very well spelled out. And I know that...I think there was also a question that I want to clarify about how the...how the Commission is organized. That's in the statute as well. The Commission has 15 days to get organized. But one...the good thing about it is that they are exempt from Chapter 91. In other words, they're exempt from the Sunshine Law for the organizational part. So electing a chair, seating a vice-chair, that kind of thing is actually not as complex as I thought it was, and you have a lot more flexibility.

CHAIR MOLINA: So Mr. Murai, so...so...so more than two Charter Commission members can meet someplace and decide who we want as chair and so forth, right?

MR. FORREST: Chair Molina?

MR. MURAI: That's what it sounds like to me.

MR. FORREST: Chair Molina, this is Forrest.

CHAIR MOLINA: Yes, Forrest, go ahead.

MR. FORREST: I just think that we need to call a recess and we can meet with Gary. I...I do think that Corp. Counsel has opined that Section 50 doesn't apply. I just think we need a recess and we can...we can get together, get them...get the minds together before we go down this any further.

CHAIR MOLINA: Yeah. Okay, we'll do that.

MR. FORREST: Don't want to waste anyone's time.

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CHAIR MOLINA: Okay. All right, we'll do that after I get...I think couple other Members had questions prior to break. Member Sugimura, you had a question? Then followed by Member Paltin.

COUNCILMEMBER SUGIMURA: So just talking about organization, that the last time when we met, I believe that Mayor Arakawa selected who the chair was going to be or announced, I guess, and then we...we must have voted. But that was my recollection of how Josh Stone got selected. He was recommended by Mayor Arakawa. He did a good job. And you are correct about the compensation. And I don't...I don't think we had expenses, I think all of it was covered when we traveled or, you know, I don't think they reimbursed us for food either, I don't remember that, when we traveled. But we were just...and travel...traveling mean going to the Moloka'i, Lāna'i, Hāna...

CHAIR MOLINA: Were you given a per diem?

COUNCILMEMBER SUGIMURA: No.

CHAIR MOLINA: No food was provided to you? Okay.

COUNCILMEMBER SUGIMURA: Yeah. I don't remember them doing that. I think we just bought our own. I can remember going to the...in Hāna, you know, buying it from...before we had our lunch, but I don't think it was provided. I don't know, maybe...maybe Chair Carroll...I mean, not chair...maybe Member Carroll provided us dinners, I don't...I mean lunch, I don't remember. That wasn't significant.

CHAIR MOLINA: Thanks for that insight on that.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Member Paltin, before we go to break, a question?

COUNCILMEMBER PALTIN: Oh, thank you. I was just...I missed my follow-up opportunity. And so my question was, so we get this slate of names and then we choose our nominee. And hypothetically speaking, say my nominee is like this crazy person, and that the other eight of you guys are like, what a crazy thing, like, I don't agree with it. Does that mean the...the body trumps the individual district's nomination, and then the individual district nomination gets to choose again, or how...how else would that go?

CHAIR MOLINA: Yeah. So...so like if your nominee gets rejected by the body, as I mentioned earlier, yeah, I would...unless there's any disagreement to that, I would leave it to the Member whose nominee got rejected to come up with another nominee, an alternative. Yeah.

COUNCILMEMBER PALTIN: Okay. And then --

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CHAIR MOLINA: Yeah.

COUNCILMEMBER PALTIN: -- on the issue about like, say we're so unsure about the COVID status into November 9th, 2022, that would be our own choice selection if, you know, there's like high-risk people and, you know, we don't know what's going to happen by that time, 20...the end of 2021 or the beginning of 2022. So we just kind of err on the side of caution, or is there any guidance from that, that the County wouldn't put folks in that kind of situation without, like, the emergency being lifted and COVID kind of being under control, we can assume that? If...if --

CHAIR MOLINA: You bring up a good...

COUNCILMEMBER PALTIN: -- we nominate folks who are in like, say, a high-risk category.

CHAIR MOLINA: Yeah. You know, that's something to consider as part of your vetting process or to inform your nominee that...I'm just guessing, at least through possibly summer or the end of the year, we're going to be doing meetings like this. And hopefully your nominee has computer access to the meetings. So I...I'm going to just inform my nominee or...or my...all of my applicants that one, you need to have electronic access to these meetings. Because I...I think it's highly unlikely we'll have board meetings in person for...for...for a while, unless something drastically changes. So that's one thing I would certainly advise...I would recommend everybody advise their applicants on. Make sure you have electronic means to be part of this meeting.

COUNCILMEMBER PALTIN: Okay. Thank you. That concludes --

CHAIR MOLINA: Yeah.

COUNCILMEMBER PALTIN: -- my follow up. Thank you, Chair.

CHAIR MOLINA: Yeah. But good...you brought up some good points. Okay, Members, so let's do this, let's go take a recess, come back at 11:00 so Staff can confer and discuss the legal matter that was brought up by Forrest, as well as Ms. Espeleta can provide a rundown of what was discussed and agreed upon when we come back. And then we can move on to our last item of the day. How's that for a plan, good, Members?

UNIDENTIFIED SPEAKER: Good.

COUNCILMEMBER KING: Sounds good.

CHAIR MOLINA: Okay. All right. Okay. The GREAT Committee --

COUNCILMEMBER SUGIMURA: How many minutes?

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CHAIR MOLINA: -- for Tuesday, January 19th, 2021 is now in recess until 11:00 a.m.
...*(gavel)*...

RECESS: 10:42 a.m.

RECONVENE: 11:01 a.m.

CHAIR MOLINA: ...*(gavel)*... The GREAT Committee meeting for Tuesday, January 19th, 2021 is now back in session. The time is two minutes after the hour of 11:00. Thank you very much, Members, for that well-needed break. Right now I'd like to recognize Ms. Espeleta from Staff to give us a rundown of what was agreed upon as it relates to the process for the Charter Commission nomination process. So Ms. Espeleta, and then later on I'll also ask Mr. Murai to give us some added input, and Mr. Forrest. We'll start with you, Ms. Espeleta. Go ahead.

MS. ESPELETA: Thank you, Mr. Chair. So the page 3 of the application will then read the new deadline of 12:00 p.m. on February 1st to the GREAT Committee, to GREAT-5. We are also adding in the option of dropping off your application to the 2nd floor of the Kalana O Maui Building in a drop box, or dropping it off to any Council district office located in West Maui, East Maui, or on Lānaʻi or Molokaʻi. The applicant will be aware that pages 1 and 2 of the application will be made available to the public for viewing and copying. I believe that those were the...all the amendments that took place regarding the process for the application.

CHAIR MOLINA: Okay. Thank you, Ms. Espeleta. Members, anything else to add in case we missed something? I believe that was what we had discussed and agreed upon. Mr. Murai...oh, sorry, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. And I know we all know what...think it would possible to put 12 p.m. noon for like, you know, some people that are confused easily maybe.

CHAIR MOLINA: I see no problem with that. Is that okay, Ms. Espeleta? We can add that 12:00 p.m. or noon in parenthesis.

MS. ESPELETA: Yes, we can amend the application to reflect that.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. To clarify, at the district offices to drop...drop off their application or receive an application during hours of operation. I...I know Member Paltin said that they have a drop box, but if someone wanted to come by to get an application, they would need to go during hours of operation. So for the sake of consistency for all districts, that it would state on the application that the

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district offices would be available for an app to...if someone is looking to get an application or to submit their application during hours of operation.

CHAIR MOLINA: I would suggest we have applications on...hardcopies of applications on file at all district offices, just in case. You know, you might have some people who don't --

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR MOLINA: -- have the --

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR MOLINA: -- electronic moves to have...download an application, they can just go to the district office and fill out a hardcopy.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. So my point is, during hours of operation that it...that it be clarified that it's during the hours of operation. Because we're not going --

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: -- to be here when...when we're not open to give them the application.

CHAIR MOLINA: Yeah, yeah. And what is...typically all districts offices I...I presume are open same hours. What...would that be what, 7:45 to 4:30?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, from 8:00 to 4:30.

CHAIR MOLINA: 4:30. Okay, we can put that on the application, the hours as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, 8:00. Okay. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you. Member King?

COUNCILMEMBER KING: Thank you, Chair. Are we also changing the application to reflect what it says in the Charter, the 16-month period that the Charter Commission has to complete its work?

CHAIR MOLINA: Let me ask Mr. Murai. Is that something we should...I guess it's an option to add.

COUNCILMEMBER KING: Because right now, it says 11 months. And what if it goes longer than that, and they say well, I was only told I had to work for 11 months.

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CHAIR MOLINA: Maybe up to...maybe use the word...language like "up to 16 months" or something along those lines.

COUNCILMEMBER KING: It could be up to...

MR. MURAI: I think that's reasonable, Mr. Chair.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Okay. And then, you know, for the...the amount...I think, Mr. Murai, you said \$1,000 for the entire period?

MR. MURAI: You know, I need to reverse myself on that, and I'll get to it later on. I...I've been --

COUNCILMEMBER KING: Okay.

MR. MURAI: -- I've been corrected about that.

COUNCILMEMBER KING: Okay. So I...what I was going to ask you, and maybe this will fit into your answer, is if it...if that's the case, then what happens if somebody...you know, do they get paid up front, and then what if they quit after two months or, you know, if that...you know, just having to think about possible replacements and what happens with that payment if that...if that . . . *(inaudible)*. . .

MR. MURAI: Based...based on my error, that's not going to be an issue.

COUNCILMEMBER KING: Okay. All right. Thank you.

MR. MURAI: Sorry.

COUNCILMEMBER KING: That's okay.

CHAIR MOLINA: Okay. Thank you, Member King. Okay, Members, any other questions as it relates to the amendments made to the Charter application process? Are we good to go? And we'll also be sending a...we'll be memorializing all these amendments that we discussed to your offices too, so in case you missed anything here today. Anything else? Okay. Oh, sorry, Member Paltin, followed by Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was going to...I was wondering if they were going to clarify which...where on the 2nd floor. There's one outside the 2nd floor used by the Admin for water and RPT payments, or will OCS put up a special drop box with signage like...will...that'll be clarified soon?

CHAIR MOLINA: Well, let's ask Chair Lee --

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COUNCILMEMBER PALTIN: Or it doesn't matter --

CHAIR MOLINA: -- about that.

COUNCILMEMBER PALTIN: -- which one?

CHAIR MOLINA: Chair Lee, for her thoughts.

COUNCILMEMBER LEE: Yes. What is the question, Mr. Molina?

CHAIR MOLINA: Sorry. Member Paltin, go ahead and ask your question to Chair Lee.

COUNCILMEMBER PALTIN: I just was wondering if for the public it was going to be clarified where they want their applications turned in at the 2nd floor. There's that outside one that the Admin takes water and RPT payments at, or will there be a special one set up inside by OCS, or is that orange one outside the one where folks should drop off their applications?

COUNCILMEMBER LEE: On the 2nd floor by OCS? What does that mean?

COUNCILMEMBER PALTIN: Okay. So somebody comes to the 2nd floor with their application, where do they put it?

COUNCILMEMBER LEE: Okay. We're going to have to put a...a...a box there on the 2nd floor that is clearly marked, and that's how we're going to handle that one.

COUNCILMEMBER PALTIN: Thank you.

COUNCILMEMBER LEE: Okay. Yeah.

CHAIR MOLINA: Okay. Thank you, Member Paltin, for that question. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thanks. No question.

CHAIR MOLINA: No, you didn't have a question. Oh, okay. Okay. All right, anything else, Members? Members Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to follow up on Member Johnson's question about...regarding the fourth question on the application on page 2. If approved, I will remain committed to serving on the Charter Commission for a term starting on March 1st, 2021 and ending on November 9th, 2022 by...did Member...I wanted to find out if Member Johnson had a proposed amendment to that to address his concern, or if everyone was okay with leaving it as is.

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CHAIR MOLINA: Member Johnson?

COUNCILMEMBER JOHNSON: Mahalo, Chair. Mahalo, Councilmember, for that point. I just felt it was a little clunky. I...I mean, what do you...like what are we asking...what is the correct answer, yes, I will? You know, you need 50 words to say yes? You know, and I don't know why the...is...and I get the idea behind the question is to say look, we need your commitment here, you know, and so you could just probably do that with a checkbox, you know. I don't want to edit it if...if there was a lot...if it's a major overhaul. I was curious...it just seemed a little clunky for me. That's about it.

CHAIR MOLINA: Well, let me ask Staff. I...I'm not sure if the Mayor's version of the application has that on it. I guess has that question always been on the Council's application? For example, when the Mayor misses his or her deadline to get a nominee in and it's the Council's turn, then the Council submits an application to a potential nominee. Has that language always been on the Council's version of the application?

MS. ESPELETA: Mr. Chair, no. This application was modeled after the West Maui CPAC and the --

CHAIR MOLINA: Oh.

MS. ESPELETA: -- proposed Commission on Healing Solutions for Homeless. The board and commissions under Section 13-2 is pretty general, what the Mayor and the Council uses for like mass nominations, let's say. This particular question was just to get applicants' response on the commitment level, knowing that there, you know, there is a time commitment involved for certain months of time. And the way the question is addressed, if approved, I will remain committed to serving on the Commission by, and then then they would address by, you know, getting...you know, logging on to all meetings, having reliable Internet. I mean, I'm not sure how they would, but to show their commitment to serving on this Commission for the duration of time.

CHAIR MOLINA: Okay. Well, as I interpret that, and when that question was formulated, I guess because the Mayor's version and the Council's version of the application, there's no...no way to determine a person's commitment. So this way, you kind of...I don't want to say you got them hooked, but it's like hey, you said yes, you're going to stay. And so that way at least if a person...if they wanted to add that yes, I can...I will be committed, but only for a specific time period, they have that option to add that in there. I don't know, I'm just guessing as to what...how that question was formulated and put on that application. You know, certainly if...it's our option to leave it on or take it off if we have consensus. Are you proposing that we remove that question from the application?

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COUNCILMEMBER JOHNSON: Chair, if I may? I...I do not have a proposal yet. I was just curious of the intent of the question. If any other Members have a proposal, I'm all ears for it, but I just was trying to get to the intent of it. Mahalo.

CHAIR MOLINA: Okay. Certainly. Vice-Chair Rawlins-Fernandez, followed by Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think this is connected to a question that I ask every board or commission nominee that comes before us. So perhaps it can be reworded to read the Charter Commission will start meeting on March 1st or start...start its responsibility on March 1st, 2021 and complete on November 9th, 2022. Do you foresee any issues with your attendance, or any reasons that you may not be able to commit to...to this, or...or something like that.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: If that's the intent of it.

CHAIR MOLINA: Okay. Okay, before I ask for consensus, I'd like to recognize Member Kama. Any...any thoughts?

COUNCILMEMBER KAMA: Thank you, Chair. Yeah, that was my...my thought too, is that you need the lines because if the intent is to ask the question, they're going to have to explain to you, well, you know, the first Mondays of every month I have this regularly scheduled golf . . . *(inaudible)*. . . or whatever, you know. And they need to tell us if they can or cannot commit to those kinds of dates. And if you know that up front, then they can be able to change it or modify it or maybe they can work together as a commission to figure out what their time commitments can be for each and every one of them who will be serving. But that's it. Thank you, Chair.

CHAIR MOLINA: Okay. Certainly a good topic. I wish we had a ball that we could look into the future as to how this...this next Charter Commission will operate. Member Sugimura, very quickly, you guys met both mornings and evenings, right, for the public...public hearings I assume was in the evenings. And in the mornings typically what were your meeting hours? 9:00 in the morning until 12:00, 1:00; do you recall?

COUNCILMEMBER SUGIMURA: I don't...look, I was the one who said we met Monday through Friday, so that's wrong, right? But I remember spending a lot of time on this, and I believe that the community meetings were held during the evening. And I don't remember staying overnight on Lānaʻi or Molokaʻi. So I'm not really sure. But --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: -- it does take...it does take up a lot of time because there's in between, you know, also, but.

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CHAIR MOLINA: Right. Okay, let's go to Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So the...the schedule shows that they had met on...at 12:00 to 4:00 for the first six months or so, and then it changed to 10:00 to 4:00, and then it changed to once a month. Oh no, it was still twice a month. 10:00 to 4:00, if...and I...I shared the link to the schedule in the chat. As far as, like, whether they stuck to the schedule, I...I can look to see, but it said the regular meeting. So maybe there were additional meetings that were added to the schedule.

CHAIR MOLINA: Okay. So yeah, I guess...well, in informing applications, I don't know if we should put, you know, again, the specific hours because we really don't know how hard...what kind of hours this Charter Commission...upcoming Charter Commission will have. But maybe...I...I agree, we...we need to put like a general timeline, up to 16 months you could be meeting, in general. It's like if you have to compare like our...our Mayor's and Council's application, it doesn't really say for each board or commission what the specific parameters are. But anyway, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think ultimately, once they're seated, they'll do their best to figure out common times, knowing that they've made the commitment to reserve at least four-hour chunks for these meetings. Or perhaps they'll meet weekly for two hours instead of, you know, every other week for four hours. So I think ultimately, I trust who we ultimately confirm to figure out as adults what works best for them, and ensuring that it'll be an open process for the community to be involved. But I think getting back to the question, I think our...our concern on this question is just ensuring that they are aware of the level of commitment, and that they're willing to make this a priority. So perhaps if it can be asked in that way instead of phrased the way it is as like a fill-in...finish the sentence.

CHAIR MOLINA: You have any language you'd like to suggest to redo that question on the application?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. It's just the Charter Commission will be working from March 1st, 2021 until November 9th, 2022. Will you make this a priority, and do you see any foreseeable reasons that will prevent your reliable attendance?

CHAIR MOLINA: Okay. Mr. Murai, from a legal perspective, any...any issues? Are we good with that? Can we go and proceed?

MR. MURAI: I...I...I think that's fine. You know, I think the only thing that, as Member Rawlins-Fernandez pointed out is, we can't yet speak for the Commission itself because they're going to set their schedule. I think the main thing that, you know, what Ms. Rawlins...Member Rawlins-Fernandez is suggesting is that applicants understand and appreciate the commitment of time involved.

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CHAIR MOLINA: Okay. Member King?

COUNCILMEMBER KING: Yeah, Chair, I...I...I would just urge us to move that timeline up because if they do take until November 2022, it's too late to get on the ballot that year. So I think the...the deadline for the ballot is sometime in August, and the 16 months would be July 1st. So if we went from March 1st to July 1st, then we'd be in line with what the Charter proposes. Well, the...the Charter says, 16 months.

CHAIR MOLINA: Mr. Murai, any thoughts?

MR. MURAI: No, I don't have any further comment on that. You know, if...if...if that is the term, then...then it's fair to...to publish the, you know, the term of the...the Commission.

CHAIR MOLINA: Prior charter commissions, do they have a...a debriefing, so to speak? Like, after they've submitted all their amendments for the ballot, then do they have a follow-up, sort of like end-of-the-session meeting?

MR. MURAI: I'm...I'm not aware that past commissions have done that but, you know, normally, once the Commission has transmitted its final recommendations to the Clerk, my understanding is that at that point, they're pau.

CHAIR MOLINA: They're done. They don't . . . *(inaudible)* . . .

MR. MURAI: I mean, their term may not have expired but, you know, their...their work is pau.

CHAIR MOLINA: Okay. Okay. Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So the schedule that I had shared screen earlier says that their last meeting was on June 25th, 2012. So I...I could support July 1st or, you know, something of...of that sort around that deadline. Because I agree with Member King that there...there needs to be time for Staff to get the questions on the ballot. And we know that when charter commissions meet, there, you know, are usually over ten amendments, so to...to get that onto the ballot.

CHAIR MOLINA: Okay. All right. Ms. Espeleta, any questions as to what...okay. Well, first, do we have consensus on the suggestion from Member Rawlins-Fernandez for that question and duration? Member Kama?

COUNCILMEMBER KAMA: So once they're done with their work, who does the education to the community about what they decided, and what those amendments are, and what they look like, and that kind of stuff? Is that something the Commission would go out and do, or is that something somebody else does?

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CHAIR MOLINA: We'll ask our resource. Member Sugimura, from your recollection?

COUNCILMEMBER SUGIMURA: Oh, just like what Chair Lee did, the Commission got recommendations...I think was Sherry Broder Van Dyke was the attorney. She basically helped us draft all of that with Junior Kushi. I'm not too sure who came up with the final, but we had a pamphlet. At that time everything was still, you know, printed, so we had a brochure that was printed, as well as...and distributed, as well as we did *Maui News* and all the media, and...and...and we got out the, you know, the Charter questions. Similarly the way that Miss...Ms. Lee did, or Chair Lee did.

CHAIR MOLINA: Yeah. And all of that was paid for by...through Corporation Counsel. Am I correct, Mr. Murai? That's why I guess we can anticipate a...an increase during the Budget Session to pay for Charter Commission expenses?

MR. MURAI: I...I believe it was paid for...maybe not through the Corporation Counsel's Office because I believe that Corp. Counsel...the Commission is administratively tied to the Corporation Counsel's Office.

CHAIR MOLINA: Thank you. Any other thoughts? So...as far as wording that question? So how...how...what's the proposal again? So we're going to word it where...just so...so Staff can make note of that again, where...how we word this on the application for the applicant's commitment. To July 1st now, 2022.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Member Rawlins-Fernandez? Okay. I saw Member Kama, followed by Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, Member...okay, go ahead.

COUNCILMEMBER KAMA: Getting back to my original question was I, in my head, was thinking that after their work is done, that if the Commission was going to continue to do some of the education, that they would still be commission members continuing with their work up and until even just before, you know, the election, or before it goes on the ballot. I mean, that's what I'm thinking in my head, but that's why I'm looking at the...why the November 9th, 2022 deadline. That, to me...I mean, I sat on the Salary Commission for the compensation of OHA trustees, and...and even though the work was done, even after that, we still went out throughout the State and started to educate the community about what the Salary Commission did, and what we agreed to, and what we thought would be justified...so we did that kind of stuff. So I was just wondering if this is what this Charter Commission is going to be doing, or somebody else is going to be doing it, or nobody. That's why I'm looking at that deadline, the November the 9th. I don't know why somebody put it there, if that was the purpose.

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CHAIR MOLINA: All right. Okay. Member King, followed by Chair Lee.

COUNCILMEMBER KING: Yeah. Chair, I think the...the actual work product of the Charter Commission, it's listed in the Charter was, you know, a total of 16 months. And it could be that if they don't get it done, they come to the Council for an extension like the CPAC did for the West Maui plan. But we...we...but there's a...there's a hard deadline on when they have to get things done so they can make it on the ballot. So I think if we put July 1st, and then if there is an issue and they need to have a one-month extension or something, you know, they could possibly have until August 1st, and we could still make it on the ballot. But to me, the responsibility of getting that information out is either going to be with Corp. Counsel or the County Clerk, and that's...the County Clerk's office, I think, is who did it for O'ahu the last time their Charter Commission met. I'd have to go back and check. But you know, it shouldn't be up to the actual Charter Commission to do all the marketing and...and outreach and PR on this, it really should be...you know, they've done their work, and then it should be handed over to an entity that can fund it, you know, rather than asking the...the Charter Commission to do their own outreach. That's my opinion anyway, is that we...we then take the Charter Commission's work, and then we put out...you know, I like the idea of putting out a brochure or pamphlet that explains all the...the Charter...the proposed Charter Amendments and what they mean. And I think that is what we were looking for more of this past election for the Charter Amendments that came out of the Council. It didn't...it didn't quite happen that way. I don't know...we didn't actually publish anything, we...we just...we put it online. But if we are going to have ten or more Charter Amendments, we're going to have to have more time to put together something like that, and...and get it out early because that's a lot for people to assimilate. That meeting, you know, we had...I think you put some loose limits on what we were going to pass out of Committee last...for the last election, and we don't have those guidelines for the Charter Commission. You know, they may...may have 20.

CHAIR MOLINA: Yeah, it's up to them.

COUNCILMEMBER KING: Yeah. Anyway, I think the July 1st deadline is good for the work product, which is what's outlined in the Charter. Thank you.

CHAIR MOLINA: All right, thank you. Thank you, Member King. Chair Lee?

COUNCILMEMBER LEE: Yeah. Thank you, Mr. Chair. So the County Clerk's Office will actually put out two big ads in the newspaper on the actual proposals. And then in our office, Office of Council Services, we put out information on what would happen if you voted yes, or what would happen if you voted no, okay. That's something that the County Clerk's Office doesn't do. They will just put out straight information. So we could do the same thing with Office of Council Services. But again, you know, this is not for the Charter commissioners to do because they don't really have a staff, other than a secretary. So we should take on the responsibility of disseminating the

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information, but in a way that people can understand, other than straight information, the verbatim proposal. Yeah? So we can do that, Mr. Chair.

CHAIR MOLINA: Okay. So noted. Okay. Members, anything else before we close this item and proceed with the press release, the application, and so forth? Everybody have an understanding? And of course, I know all of us are not going to retain everything what we did. As I mentioned earlier, Staff will have everything memorialized in writing with the deadlines and what we've done here today. So anything else before Chair defers? Member Rawlins-Fernandez, followed by Member Sugimura, and Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly, I sent the proposed language to Staff for question number 4. When do you think Members will have access to the final application so that we can help to disseminate?

CHAIR MOLINA: Let me ask Staff. Ms. Espeleta?

MS. ESPELETA: Mr. Chair, I am just finalizing the last amendments, and I can share that with the Committee if that is what the body would like.

CHAIR MOLINA: Go ahead.

MS. ESPELETA: Give me a few moments.

VICE-CHAIR RAWLINS-FERNANDEZ: In the meantime, Chair, if you wanted to take up Member Sugimura's questions or comments.

CHAIR MOLINA: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: I just wanted clarification regarding Keani's preference when we're talking about transparency. If you want to just repeat, if I misunderstood, but it sounds like we're going to...every single person that applies, they're going to know that their name will appear for public review, I guess. And then that all the names are going to then be transmitted to the GREAT Committee, Item number 5. And then a resolution will appear for the...on February 3rd by 9:00 a.m., the resolution is going to be posted. It's going to have everybody's name that applied from the district, as well as who was selected. Is that what's...was finally decided?

CHAIR MOLINA: No, no, no. Just the names of the nominees that's on...on the resolution.

COUNCILMEMBER SUGIMURA: Oh, okay. So just the...just the nominee, whoever the district rep decides --

CHAIR MOLINA: Right.

COUNCILMEMBER SUGIMURA: -- that name --

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CHAIR MOLINA: Right.

COUNCILMEMBER SUGIMURA: -- is going to be there and no one else.

CHAIR MOLINA: No one else.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Just wanted clarification.

CHAIR MOLINA: Okay. Okay. Ms. Espeleta, you need a little bit more time?

MS. ESPELETA: Sorry, Mr. Chair, I'm kind of lagging here. I'm trying to work the issue, one moment.

CHAIR MOLINA: Okay. In the meantime, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. While we wait for Ms. Espeleta. Mahalo for expediting that, Ms. Espeleta. For the February 9th meeting, just...I wanted to clarify after Member Sugimura. So all of the applications will be posted onto the Item GREAT-5. So we'll see everyone's application. And what you're proposing the process be is the...the name of --

CHAIR MOLINA: Everyone's nominee.

VICE-CHAIR RAWLINS-FERNANDEZ: -- each Member's nominee would be in the resolution. So then if a nominee is not...does not get majority of the votes but then, you know, make the...make a motion to adopt the resolution with the nominee's name on it, strike the nominee's name and replace it with someone else whose application is on Granicus?

CHAIR MOLINA: We could do that, yeah. Yeah. As a time saver, I guess. I guess I...there was one other method where...I had suggested where if somebody got their nominee knocked out...knocked out, then get a nominee in to us by the 10th, then we could post that for consideration for the February 16th meeting. But if we do it this way, then we could consider the alternate person on the same day then, if I'm correct, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, that...that would be what I understand, and I think it would be in accordance with Sunshine Law because all names would be posted --

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CHAIR MOLINA: Posted.

VICE-CHAIR RAWLINS-FERNANDEZ: -- publicly for the meeting to be considered. But I...I'm wondering, and perhaps either Corporation Counsel or our attorneys from OCS, how we would get the names on the agenda since the names would be on Granicus, but it's the names that are on the agenda that we would have to comply with Sunshine Law, so.

CHAIR MOLINA: Like a response from Corporation Counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, Corporation Counsel or OCS attorney.

CHAIR MOLINA: Okay, either Mr. Murai or Mr. Forrest?

MR. MURAI: I'm sorry, I'm not clear on the question, but I...if the question is which controls what's on Granicus or the agenda, for Sunshine Law purposes, it's the...it's the agenda.

VICE-CHAIR RAWLINS-FERNANDEZ: That's not the question. Yes, I know that. So that's...that was the purpose of my question, which is in order for us to replace the name with a...with an applicant that would get majority of the votes, what would be the process for us to get the names onto the agenda? So I...I guess this question would probably be more appropriate for our OCS attorney since --

MR. MURAI: Probably.

VICE-CHAIR RAWLINS-FERNANDEZ: -- our OCS attorneys are...are the ones that work with us to comply with Sunshine Law.

MR. FORREST: Hi. Chair Molina, this is Forrest. If I understand correctly, I think our opinion would be that you would need to have the names listed on the agenda that were going to be proposed as backups.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. How? What would it look like? Would...would every name get a resolution, or is there a way that we can list the names of everyone that applied so that they are on the agenda and action could be taken?

MR. FORREST: I think that...that both are possible, but I do think that the...the intent of the Sunshine Law would be that you're going to put on someone's name who is going to be...or, you know, is potentially going to be named as a secondary person or a backup. I think if you're trying to get around the issue of Sunshine Law by putting everyone's name on the agenda, I think that goes against the spirit of the Sunshine Law. I do think technically, it's allowed. You know, I can...I can see that you...you might disagree with me, and I can see that the argument that you could put them all.

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VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I...so what I'm saying is...I'm not trying to get around Sunshine Law, I'm trying to comply with Sunshine Law in order to allow Council to take action on any of the applications. I'm not trying to find a loophole.

MR. FORREST: Okay. So then I would say that we would have a resolution with an exhibit, and the exhibit could contain the names.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Mr. Forrest.

CHAIR MOLINA: So each...so each Member...you'll have to submit two names basically then, yeah, to...to Committee. Your second choice...your first choice and your second choice.

VICE-CHAIR RAWLINS-FERNANDEZ: No. What I'm...what I'm saying is in order for us to strike the name of the person on the resolution, and take action on any of the applicants that have submitted their application, that their names would all have to be on the agenda. Otherwise we wouldn't be able to replace the name --

CHAIR MOLINA: Okay, so...okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- on the resolution.

CHAIR MOLINA: So every applicant's name then, you're saying?

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So not only would it be on Granicus, but it would also be on the agenda as --

CHAIR MOLINA: Agenda.

VICE-CHAIR RAWLINS-FERNANDEZ: -- a potential legislative action ...*(audio interference)*...

CHAIR MOLINA: So we can take action that very same day if we have to.

VICE-CHAIR RAWLINS-FERNANDEZ: Exactly.

CHAIR MOLINA: Okay. Okay.

COUNCILMEMBER KING: Chair?

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VICE-CHAIR RAWLINS-FERNANDEZ: And...and so Mr. Forrest just explained how we can ...*(audio interference)*... which is to have an exhibit. And we would have all the names on that exhibit on the agenda.

CHAIR MOLINA: Okay, that's workable.

MR. FORREST: Can I also add, Chair Molina? I would just add that, you know, you guys give us direction and make your intent clear, which I believe Keani just did, and OCS Staff can make it happen. So you guys have made your intent clear that you want the names to be available. And so the actual process, I would say, you know, an exhibit would work. But if it's different than that, our...our final project will reflect your intent that you expressed today.

CHAIR MOLINA: Okay. So noted. Member King?

COUNCILMEMBER KING: Thank you, Chair. So if we're going to post an exhibit with all the names, will there be something on the agenda that actually says that in the event of a disapproval, that a name will be chosen...may be chosen from the attached exhibit? You know, my...my concern with the Sunshine Law is that if we pick another name and folks haven't had a chance to comment on that person because they didn't know we were going to pick that person, if we let them know ahead of time that there could...there's a possibility that if someone gets disapproved that anybody else on that list could be approved. Then if someone has an issue, either wants to support or not support somebody else that's on that list, then that would give them the opportunity to make that comment. Because we'll...assuming that we will have closed testimony by the time we get to the actual approval of this resolution. So can you comment on that, Forrest?

CHAIR MOLINA: Mr. Forrest?

MR. FORREST: Yeah. Chair Molina, if I understand the question, I believe it's...it's answered in the fact that those people's names will be in an exhibit that is posted for the meeting. And so if...if someone's name is on that agenda, the public is made aware that they may be nominated as a backup. And so if the...the public wants to make comments or testify on someone who is maybe not a primary, but on the secondary list, then they would have notice in that posting because the posting would contain the exhibit.

COUNCILMEMBER KING: Okay. Yeah, I think it probably won't be clear to the public why all those names were posted is my guess, unless you spell it out in the agenda that that's a possibility. That's what...you know, if we're looking at, you know, giving people a chance to make a comment before we seat somebody, and I think that's the only way to make sure they have that opportunity before we close testimony.

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MR. FORREST: Chair Molina, I would just say that we would...we would make sure it's clear based on the discussion today. Again, the intent of this body will be evident in our work product, I would hope. But good points to point out.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Members...Member Rawlins-Fernandez, does that address your concern?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I...I think it should, and I think Council has made its intent for the posting documents to reflect that any of the applicants that get their application in on time, Council or the Committee will be able to take action on to send to the full Council for confirmation. And so I think having the exhibit will allow Council to take that action. So mahalo, Chair.

CHAIR MOLINA: Okay, thank you. Okay, Members, anything else? Okay, seeing none then. All right, we will defer this particular item which is...

MS. ESPELETA: Oh, I'm sorry. Mr. Chair?

CHAIR MOLINA: Yes, Ms. Espeleta?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

MS. ESPELETA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

MS. ESPELETA: I believe...Vice-Chair, go ahead.

CHAIR MOLINA: Go ahead, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I...I...I think I was going to say the same thing as you, Ms. Espeleta. Are you...are you ready with the application?

MS. ESPELETA: Yes.

CHAIR MOLINA: Oh, yeah. Go ahead.

MS. ESPELETA: Granicus has been uploaded with the revised document. I can go ahead and share screen now. There were issues with placing it in chat. So Members should refresh and have access to the revised board application now, it's in Granicus. Staff was able to load it. Please refresh so you are able to see it. But I can also share screen, hopefully that works, if Members wish.

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CHAIR MOLINA: Yeah. Can you share screen that, please?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, can we share screen?

CHAIR MOLINA: Ms. Espeleta?

MS. ESPELETA: Are you able to see my screen?

CHAIR MOLINA: No, not yet.

MS. ESPELETA: Oh.

CHAIR MOLINA: There we go. Okay. And maybe if you can scroll through this. Oh, there we go, yeah, I think we can see it all.

MS. ESPELETA: Oh, can...

CHAIR MOLINA: Of course this is page 1, okay.

MS. ESPELETA: It's stuck on my end.

CHAIR MOLINA: Members, take a...take a couple...

MS. ESPELETA: Sorry.

CHAIR MOLINA: Yeah. Okay, name, residency --

MS. ESPELETA: Is it scrolling?

CHAIR MOLINA: -- area.

MS. ESPELETA: Okay.

CHAIR MOLINA: Why do you want to serve on the Charter Commission. Good.

MS. ESPELETA: Question 4, this is a proposal by Vice-Chair Rawlins-Fernandez.

CHAIR MOLINA: Quick question for you, or maybe Mr. Murai. Do we need to put political affiliation on this? Like...like on the Mayor's application? Council's application?

MS. ESPELETA: Mr. Chair, it's on page 3.

CHAIR MOLINA: Oh, okay. I only can see page --

MS. ESPELETA: I can...

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CHAIR MOLINA: -- first two pages.

MS. ESPELETA: Yeah. I'm sorry. Let me scroll down.

CHAIR MOLINA: No, no worries. Okay well, that answers that question. Okay.

COUNCILMEMBER LEE: Chair, I thought we were going to change it to...from...to July 1st, 2022?

MS. ESPELETA: Let me go back up. But Mr. Chair, the political affiliation question is here on the --

CHAIR MOLINA: Okay.

MS. ESPELETA: -- contact information page.

CHAIR MOLINA: Should we put that on the public...the first two pages instead of the confidential page? Because I know on the other applications, it's on the...you know, it's a public...first page usually.

COUNCILMEMBER SINENCI: It's there, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

MS. ESPELETA: We can make that move.

CHAIR MOLINA: Okay. Chair Lee, you had a comment? Chair Lee, you're muted.

COUNCILMEMBER LEE: I thought their work was going to end July 1st, 2022?

MS. ESPELETA: Mr. Chair, question 4 was amended to read "The commitment for the Charter Commission term will be from March 1st, 2021 to July 1st, 2022."

CHAIR MOLINA: Yeah. It's...it's on the questionnaire. Second page, Chair Lee.

COUNCILMEMBER LEE: Oh, okay.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: I'm looking at Granicus and mine still says November. Okay.

CHAIR MOLINA: Yeah, yeah, this is the amended version that we're looking...currently looking at right now.

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COUNCILMEMBER LEE: I thought she said to refresh and it would come up brand new.

CHAIR MOLINA: Oh, yeah. Well, I guess never refresh.

COUNCILMEMBER LEE: Never refresh.

CHAIR MOLINA: Gotta go freshen up...

COUNCILMEMBER LEE: Mine is unrefreshed.

CHAIR MOLINA: Okay. Okay. Member Rawlins-Fernandez, you had a question or comment? I saw some...couple hands go up.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair. I think with like the party affiliation, it doesn't matter too much. I think most people are just listing like Independent or none. So I think the whole purpose of that is pretty moot --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- at this point.

CHAIR MOLINA: Okay. Member Kama, you had your hand up?

COUNCILMEMBER KAMA: Good. No.

CHAIR MOLINA: Okay. I see Chair Lee.

COUNCILMEMBER LEE: Yeah. Are we going to be able to give them suggestions? We should change that requirement. Because really, there is no Independent Party that most people belong to, and none is really not an acceptable answer. It's kind of...that question's irrelevant these days.

CHAIR MOLINA: Yeah. I know the subject of political affiliation was...I guess the reason, from what I was told, why that question was put in there was so...to not have, I guess --

COUNCILMEMBER KAMA: Balance of power.

CHAIR MOLINA: -- boards and commissions be stacked one way, you know, all majority --

COUNCILMEMBER KAMA: Right.

CHAIR MOLINA: -- you know, all Democrats or all Republicans.

COUNCILMEMBER KAMA: Yeah.

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CHAIR MOLINA: So with the preference to be as much balance, yeah. So I personally would like to leave it in there. I don't know, that's for me. I...I think for some people it's still an important issue. So my preference is to leave political affiliation, but put it on maybe page 2, on the public pages.

COUNCILMEMBER LEE: Is there...Mr. Chair, is there a place in the requirements that there'll be gender, equal representation? I think that one is really important.

CHAIR MOLINA: Yeah. Okay. Yeah, I agree, it's important, but if we start going into that direction, then what about other issues, like religious affiliation or...I mean, it could just go on and on. But...but I mean...well, I hope we can all keep in mind gender balance, I agree. Now, if we get to the point of 11 nominees...well, the Mayor's going to make his choices, then what if we have more males versus females, or more females versus males? I mean, I don't know, it's a difficult topic, but...

COUNCILMEMBER LEE: Well, the reason why I bring that up because it's a lot easier to maintain some kind of gender balance rather than political because there's hardly any Republicans on Maui. No, I...not joking, it's true.

CHAIR MOLINA: No, but...yeah, yeah. I agree, yeah.

COUNCILMEMBER LEE: It's mostly Democrats.

CHAIR MOLINA: Yeah, yeah.

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: Yeah. Then do we discuss amongst ourselves, like for example, okay, I'll select the female nominee, you select the male nominee, Member Kama selects a male, Member Rawlins-Fernandez selects a...I mean, how do we go about achieving gender balance? Well, unless...well, with our two nominees, we pick one female, one male, and then we determine who he wants to...who we want to make as our prime candidate, so to speak, yeah?

COUNCILMEMBER LEE: Yeah, that's easy. It's much harder to find a Republican though.

COUNCILMEMBER KAMA: Careful, you might get what you want.

CHAIR MOLINA: Okay. All right, Member King?

COUNCILMEMBER KING: Yeah, I think that argument about trying to get gender equality works for the political affiliation equality too. I'd just as soon leave it off because, you know, at the point that the public voted not to have a partisan Council, I think that's the point where we should have actually take that party affiliation off of there for our

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boards and commissions as well. Because, you know, we're supposed to be non-party affiliated as far as the decisions we're making, and then we expect that from our boards and commissions as well. And then the other thing is, who's going to follow up with that party affiliation to find...you know, people put all the time Independent, well, there actually is an Independent Party. And usually, the people who put Independent aren't part of that party, they're just --

COUNCILMEMBER LEE: They're not, yeah.

COUNCILMEMBER KING: -- nonpartisan.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: So I don't think everybody understands the different party affiliations anyway, and I would just as soon take that off. We're not going to put every other issue on there that we're trying to balance out, I think we should take this one off too.

CHAIR MOLINA: Yeah. Something to further complicate the matter, as I look at the question, it says political affiliation, Section 13-2(2) of the Charter, County of Maui, requires that not more than a bare majority of members of a board or commission belong to the same political party. Therefore, please indicate political party membership, if any. So we have a Charter issue here. If we take it off, do...is that a conflict with the Charter? Maybe...I don't know if Mr. Murai can comment on that.

MR. MURAI: Mr. Chair, you correctly recite the appropriate portion of the Charter. The Charter, as you pointed out, only requires that no...that, you know, that no more than a bare majority, so in this case, no more than six people belong to the same party. The Charter does not, you know, say how do you...how do you determine that. And, you know, the only way I can think of is to just to ask, you know, do you have any party affiliation, and what is it? You know, all of the comments are...are correct, you know, not many folks belong to...are...are member...you know, people may consider themselves to be Democrats, nonpartisan, or Republican, but it's, you know, it's...that doesn't necessarily make them party members. And the...what the Charter says is shall belong to the same political party. So party membership and, you know, leaning towards, you know, party affiliations or party principles is two different things. As Chair Lee points out, it's not...as a practical matter, it's not been a problem. And I would suggest that that's something...paragraph 3...I'm sorry, number 2, could be a subject of the Charter Commission's work. You know, is that still a viable provision, considering it was made during a time when...when Council and mayoral races were partisan.

CHAIR MOLINA: Yeah, good points. Yeah. My...my only concern is that because it's referenced to the Charter, and that if we took it off the application, you know, we could have a potential conflict there. I'm fine with taking it off.

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Council of the County of Maui

January 19, 2021

MR. MURAI: Well, we don't want...we don't want someone to later on say hey, you know what, I checked, and you guys have a...you know, you guys have too many Democrats, or whatever the case may be, and therefore challenge the validity of the...the Commission.

CHAIR MOLINA: Yeah.

MR. MURAI: So until the Charter is amended to eliminate party affiliation, I believe we are obligated to assure that, you know, no one party has more than a bare majority. In other words, no party has seven or more members.

CHAIR MOLINA: Yeah.

MR. MURAI: It's highly unlikely that it would turn out that way, but we're still obligated to...to check. How...how we check is something that you folks can determine.

CHAIR MOLINA: Yeah. Well, you know, to me, I see no problem with leaving it there. Plus we're talking transparency, we want to know anything and everything about all of our nominees. So I say leave it there, but that's just me. Members --

COUNCILMEMBER KING: So...

CHAIR MOLINA: -- if there's no consensus or what, we can have this --

COUNCILMEMBER KING: Can I just...

CHAIR MOLINA: -- someone make a motion and vote on it.

COUNCILMEMBER KING: Can I just follow up on my...

CHAIR MOLINA: We want to leave it on or take it off.

COUNCILMEMBER KING: Can I just follow up on that question because I think that was...

CHAIR MOLINA: Go ahead, Member King.

COUNCILMEMBER KING: Thank you, Chair. So I just wanted to...when you say we will double check, is that we as in Corp. Counsel? Do you double check what people put there? Because if they say none, and they turn out to be a card-carrying Democrat, would...is that going to be something that you're going to vet or, you know, vice versa, if they say that they're one party and they're actually not a member of that party? I mean, who does that vetting?

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MR. MURAI: Mr. Chair? My assumption is the appointing authority, whoever is making the nomination has the obligation to assure that their...that their nominee, and then the Council as a whole, when approving the slate, would assure that...that the person is what they say they are. Now, I also want to point out that, you know, just merely selecting a Democrat or Republican ballot does not make you a party member. Party member usually means things like you're registered, you pay dues, that kind of thing. So merely voting a Democrat or Republican ticket does not make you a...a member of that party.

COUNCILMEMBER KING: Okay. Maybe we need to point out that in that question too, are you an official member of a political party.

CHAIR MOLINA: Yeah, as part of our vetting process. Okay. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I personally don't care if this question is on. I...and if it remains on, I...my preference would be that it remain on the third page because in ...*(audio interference)*... when we were doing the nomination of someone, you know, a name sent down from the Mayor, that nominee had put Dem in that party affiliation. And when I pointed out that there were more than six Democrats already on that particular board or commission, that person just drew a line through it and said oh, my mistake, I'm not actually a card-carrying Democrat, I haven't paid my dues. And...and that was accepted, and it...all it was, was like a scratch through, and Mr. Kushi said that's cool, and that person ended up getting confirmed that day. Which, you know, I mean, we...we vetted, and it really didn't matter. And then again, there...there was another where former Councilmember Bob Carroll came before us and told us that he wasn't a Democrat. So you know, I think it doesn't really matter what...what they put on their application, how they identify, because there...there's a likelihood, and we've already seen it, of people getting around this question. So again, just to clarify, I don't care if this is on the application, and if it remains on the application, that it can stay on page 3. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. I think we had Member Sugimura.

COUNCILMEMBER SUGIMURA: So I wanted to also bring up because...because people are applying for the Charter Commission, and one of the questions would be have you read the Charter, I wanted to know if this application...if Shelly could add a link on there or some kind of way for the members to find the Charter, short of walking into the Clerk's Office to pick up a copy of it. So is there...would that be possible to add that to the application, a link to, so that they could read the actual Charter, the current Charter?

CHAIR MOLINA: Ms. Espeleta, any thoughts?

MS. ESPELETA: If I can confirm, is Member Sugimura asking for a link to the Charter itself?

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COUNCILMEMBER SUGIMURA: Yeah.

MS. ESPELETA: For that information to be available? We can perhaps put that in our press release, as well as post that on our Council webpage.

COUNCILMEMBER SUGIMURA: Thank you. Just so that they know how to, you know, access the document, if we're going to be asking them to...if they read it.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Members, any...anything else for Committee Staff to consider or Corporation Counsel as it relates to this item? Okay, seeing none. All right. So the press release will go out sometime today or tomorrow. The application...everybody understands all the deadlines? We will get...as I stated earlier, we'll memorialize everything that was done here today. To refresh your memories, be sure to have your vetting process ready to go because we're sort of venturing into the great unknown, if you know what I mean. You don't know how many applicants you'll get, and as stated, you're not under the restriction of selecting someone from your district, although that may be the preference. But anyway, just do the best you can. And as far as the process of...well, we hope that we don't get in...find...have any so-called bumps in the road, if you will, but if we do, we'll address it. Somebody gets rejected or even the remote possibility that Members may pick the same person from the community, so even that might be a possibility. But we'll work...we'll work our way around all of that. So anyway, one day at a time. So in the meantime, let's just wait to see what the public's reception will be as far as participating, and we'll go forward from there. Okay. So with that said, any objections to deferral?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered.

GREAT-6(1) AMENDMENTS TO THE RULES OF THE COUNCIL (MISC)

CHAIR MOLINA: All right, Members, the Chair's aware of the time. It is 12:00, and we had a number of rules to follow. I'm going to...if there are no objections, I don't know about you, but I have brain overload, I've got a lot of stuff on my mind, and I think the rules can wait for another meeting. And I know we have a 2:00. If we didn't have a meeting at 2:00 I'd press forward, but I would prefer everybody come back refreshed and get ready for an exciting PSLU meeting at 2:00 with...under the leadership of Member Paltin. So with that said, if there are no objections, the Chair's going to defer GREAT Item 6(1). Any objections to deferral?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, thank you very much. So with that said, the Chair wants to thank all of you for making yourselves available during this off week, a non-Committee week to discuss this very important topic of the Charter Commission application process. I'd like to thank Staff and Administration for all of your insight and input on this, as well as the viewing public on this matter. So with that said, if there are no objections, this GREAT Committee meeting for Tuesday, January 19th, 2021 is now adjourned. . . .(gavel). . .

ADJOURN: 12:02 p.m.

APPROVED BY:



MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:min:210119:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 66 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 17th day of February 2021, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck