

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans Link

June 1, 2021

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair (arrived
at 9:02 a.m.)
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, Supervising Legislative Analyst
James Forrest, Legislative Attorney
Wilton Leauanae, Legislative Analyst
Pauline Martins, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk

Axel Beers, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Sickels, Executive Assistant to Councilmember Kama
Jordan Helle, Executive Assistant to Councilmember Sugimura
Kate Griffiths, Executive Assistant to Councilmember Johnson
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Richelle Thomson, First Deputy Corporation Counsel, Department
of the Corporation Counsel
Iwalani Mountcastle Gasmen, Deputy Corporation Counsel,
Department of the Corporation Counsel
Ipo Mossman, Executive Assistant, Office of the Mayor
John Jakubczak, Assistant Chief, Department of Police
Ryan Otsubo, Captain, Fire Prevention Bureau, Department of
Fire and Public Safety
Cynthia M Razo-Porter, Deputy Director, Department of Personnel
Services

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OTHERS: Eric Cuomo
Edward Romson
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting for Tuesday, June 1st, 2021 will now come to order. I'm Mike Molina, your Committee Chair. Let's do a Committee roll call. Starting first with our Committee Vice-Chair Keani Rawlins-Fernandez. I believe she's in transit right now. She should be joining us shortly. So let's go to our Council Chair to give us the...I guess the greeting of the day. Council Chair Lee, good morning.

COUNCILMEMBER LEE: Good morning, everyone. Good morning, Mr. Molina, our GREAT Chair. Word...the greeting for today is from Greece, kalimera. Kalimera, everyone.

CHAIR MOLINA: Okay. Halimera *[sic]*. Okay. Halimera *[sic]* and aloha to you, Chair Lee. And let's go to Councilmember Kama. It's so wonderful to have you back. Good morning. Okay. I think we got you on mute, Councilmember Kama. Okay. We'll...we'll...

COUNCILMEMBER KAMA: Good morning, Chair.

CHAIR MOLINA: Oh, there we go.

COUNCILMEMBER KAMA: *(audio interference)* And thank you so very much for welcoming me back. And I'd like to say thank you to each and every one of you for lifting me up and for encouraging me during these past few weeks. I felt your prayers, I felt your presence. I thank you for all your cards and your letters and your texts and your emails. It was very uplifting for me and my family, and we certainly did appreciate it, so thank you. Because I want you to know I did feel the love from each and every one of you. So thank you so very much. And aloha.

CHAIR MOLINA: And aloha and halimera *[sic]* to you, Member Kama. So...so wonderful to...to have you back, and we feel as always your love and passion with us. We're so...so grateful to have you back. Okay. Let's go to...all the way up to Kula and check in on Councilmember Sugimura. Halimera *[sic]*.

COUNCILMEMBER SUGIMURA: Kalimera. Good morning from Greece. And thank you very much, everyone. Good morning. Yeah, I want to just echo, I'm so...so nice to you see back, Tasha. And look forward to a great meeting. Thank you.

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CHAIR MOLINA: Mahalo, Member Sugimura. Let's go out to East Maui and check in on Councilmember Sinenci. Aloha and kalimera.

COUNCILMEMBER SINENCI: Kalimera, Chair, and aloha kakahiaka mai Maui Hikina. And I too wanted to extend my warm wishes to Member Kama. Nice to her back with the gang. Aloha.

CHAIR MOLINA: Aloha. Okay. Let's go out to West Maui and check in on Councilmember Paltin. Kalimera and aloha.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou and kalimera. Kalimera kākou as well. Welcome back, Member Kama.

CHAIR MOLINA: Mahalo, Member Paltin. Okay. Let's go to South Maui and check in on Councilmember Kelly King. Good morning and kalimera.

COUNCILMEMBER KING: Kalimera and aloha kakahiaka. We covered your beautiful day in the neighborhood, Member Kama, while you were gone. I trust it's still beautiful over there. And nice to see everybody, I hope everyone had a great weekend.

CHAIR MOLINA: Thank you very much, Member King. And last but not least, let's go out to Mr. Gabe Johnson from Lānaʻi. Good morning and kalimera, Gabe.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Councilmembers. Kalimera. Welcome back, Tasha Kama, it's so...I'm so happy to see you. We got a lot of work to do, so I'm just going to get right into it and I'm all ears. Aloha.

CHAIR MOLINA: Aloha, Councilmember Johnson.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR MOLINA: All right. Oh, there we go. I think I hear our...my Committee Vice-Chair. There she is. Committee Vice-Chair Keani Rawlins-Fernandez, kalimera and aloha kakahiaka.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka mai Molokaʻi nui a Hina. Kalimera kākou. E kala mai, my Internet is not very good this morning, so my video is off. And welcome back Pro Tem Kama, it's so wonderful to have you back.

CHAIR MOLINA: Mahalo, Committee Vice-Chair Rawlins-Fernandez. Thank you. All right. Joining us from the Administration for our proceedings this morning we have from Corporation Counsel, Mr. Gary Murai, and also Ms. Iwalani Mountcastle Gasmen. From the Office of the Mayor, Mr. Ipo Mossman; and from Personnel Services, the Deputy Director Cynthia Razo. From the Fire and Public Safety Department, Captain Ryan Otsubo; and from the Police Department, Assistant Chief of Police John

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Jakubczak. And also we have from our...our Committee Staff, hardworking team, Committee Secretary Pauline Martins; Jean Pokipala, Committee Secretary; Shelly Espeleta, Supervising Legislative Analyst; and Mr. Wilton Leauanae, our Legislative Analyst; and Legislative Attorney James Forrest. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. You can check out the last page of the agenda for information on the meeting connectivity. Now, according to the Chair's understanding, the Department of Corporation Counsel could be seeking an executive session for Item 11(29), so Staff will be emailing the executive session meeting link to be used in the event the body chooses to convene in executive session. So Members, before we proceed with our agenda items, let's take on public testimony. Oral testimony can be done via phone or video conference, and testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link, which is number 175115369, as noted on today's agenda. Those of you wanting 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. The Committee intends to keep the same meeting link and phone number for future GREAT meetings this term for the ease and convenience of Members and the public. And written testimony, as always, is highly encouraged using the eComment link listed for today's agenda on mauicounty.us/agendas. So with that being said, if there are no questions, I'd like to check in with our Analyst, Mr. Leauanae, to see if we have any individuals wanting to testify on our agenda items. Mr. Leauanae?

MR. LEAUANA: Thank you, Chair. And there are currently no testifiers signed up.

CHAIR MOLINA: Okay. Thank you for that. Chair will offer one last time to anyone viewing in an opportunity to testify on our agenda items today. Going once, twice, three times. Okay. Members, if there are no objections, the Chair will close public testimony on our agenda items. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. So ordered. And as well as if we have any written testimony submitted, we'll accept that as...as well. Any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. All right. So ordered. Very good, Members.

GREAT-2(11) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LIQUOR CONTROL ADJUDICATION BOARD) (CC 19-24)

CHAIR MOLINA: Moving right along, let's get in...right into our first agenda item, which is GREAT Item 2(11). This relates to the appointment of Kaulana Mossman to the Liquor

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Control Adjudication Board for the County of Maui with a completed application for the nominee. The intent of the resolution is to approve or disapprove the nomination of Mr. Mossman to the Liquor Control Adjudication Board for a term expiring on March 31st, 2023, to fill a vacancy due to the resignation of Herman Nascimento. And from the Mayor's Office we have Mr. Mossman to give us...Mr. Ipo Mossman, I should say, to give us a brief overview of the nominee. Mr. Mossman, good morning.

MR. MOSSMAN: Good morning. Aloha kakahiaka and halimera [sic]. And nice to see you guys. And I...I...I agree with Chair Lee that long weekend is a little too short for all of us. And Ms. Tasha...Councilmember Tasha, welcome back. You look so great. Love...we missed you, love having you back. Let me introduce Kaulana Mossman. He is presently up for the...the Liquor Adjudication Board. He sits on the firehouse presently. He also does some real estate, and owns his own lunch wagon of sort. He's been a part of the judiciary...or he has been a part of that...that commission and termed out in 2017. He's President of the Keokea agricultural homestead lots, and a graduate of Maui High School. And we're kind of very much looking forward in working with him and...and getting him on the board. Unfortunately he is on a business trip. And I called him this morning, he was on his way to Seattle and he cannot...could not be on the...on this call. And Mike...Chair Mike, I...you and I discussed that, and so unfortunately, he's not here for...to answer questions. But he will be available coming back tomorrow night.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Members, do you have any questions for Mr. Ipo Mossman regarding Kaulana Mossman? Members, I know Mr. Mossman...Kaulana Mossman has served on other...some of our other boards and commissions, so personally I...I know of him, so his background. I'm...I'm personally okay with taking action on him, but that's just me. So I have no questions at this point for Mr. Ipo Mossman, but I'll open the floor up for any questions, Members, if you have any with regards to the nominee. Just let me know if you have questions. We'll start with Member King. And Members, I'm going to be putting everybody on a clock, okay, so three minutes. Go ahead, Ms. King.

COUNCILMEMBER KING: Okay. Thank you, Chair. I have a few questions. First of all, is there...is it any relation to you, Ipo?

MR. MOSSMAN: Yeah, that's...my cousin Boyd Mossman, the ex-judge...former judge, that's his son. Yeah.

COUNCILMEMBER KING: Oh, okay.

MR. MOSSMAN: And so we're like third cousins.

COUNCILMEMBER KING: Okay. And so you said he sits on the firehouse, what does that mean?

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MR. MOSSMAN: He's basically working out of Kula. I believe he's getting ready for his retirement within the next couple of years, but he's now presently a firefighter.

COUNCILMEMBER KING: Okay. So he's a firefighter and he owns a lunch wagon?

MR. MOSSMAN: Oh, he's got...yeah, he's got his hands into a little bit of everything.

COUNCILMEMBER KING: Yeah, and then he still has time for the...the Liquor Adjudication Board? How often do they meet?

MR. MOSSMAN: They meet once a month.

COUNCILMEMBER KING: Monthly. Okay.

MR. MOSSMAN: They meet once a month. And it's kind of awkward because I...I really hesitated when we came up because he's, you know, relative, et cetera, but he does come with some very good qualifications at this point, and we really wanted to again...so I'll leave it at that.

COUNCILMEMBER KING: Okay. And then what's the time frame, when was he last on the Liquor Adjudication Board because he's...

MR. MOSSMAN: He...he last resigned in 2017.

COUNCILMEMBER KING: And why did he resign?

MR. MOSSMAN: Well, he termed out.

COUNCILMEMBER KING: Oh, he termed out. Okay.

MR. MOSSMAN: Yes.

COUNCILMEMBER KING: And then you have to...there's a...I don't know what...a one-year or two-year rule or something like that before you can come back and do that? Okay. And you know, usually we ask candidates if they're going to have time to attend the monthly meeting if they will be...if they're making a commitment, and it sounds like he's pretty busy. So are you vouching for him that he's going to be...

MR. MOSSMAN: Well, you know, unfortunately when...when this had taken place, Councilmember King, he did explain to me that he would have a business trip coming up, but we...you know, because of the...the...the process of...of setting an agenda and all that stuff, we just smack hit him. I tried to get him on the...on a Zoom call. He was going to be all for it except he knew that he was going to run into his...his flight that he's boarding. So I told him, you know, that it's better for him...

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COUNCILMEMBER KING: Yeah, no, I don't have a problem with previous commitments, it's just going forward, it sounds like he's really busy with his work and his kind of business on the side, and you know, do you feel comfortable that he's going to be able to attend all the meetings, he's going to be available?

MR. MOSSMAN: From...from my conversations...Councilmember King, from my conversations with him, that's one of the prerequisites that I set up that I expect them to be 100 percent policy as far as attendance.

COUNCILMEMBER KING: Okay.

MR. MOSSMAN: And so...

COUNCILMEMBER KING: He knows about our attendance policy, because we didn't have it in effect when he served last.

MR. MOSSMAN: Right, right. We talked about that, yes.

COUNCILMEMBER KING: Okay. And then my last question is, you know, I know he's in the food service, so he's not serving alcohol himself, is he?

MR. MOSSMAN: No, not...negative. No, not at all.

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

CHAIR MOLINA: Okay. Thank you very much, Member King. Members, any other questions for Mr. Ipo Mossman as it relates to Mr. Kaulana Mossman's nomination to the Liquor Control Adjudication Board? Okay. I guess no other questions. Then the Chair will make a recommendation, and that recommendation will be to place the name of Mr. Kaulana Mossman on Exhibit A for approval to the Liquor Control Adjudication Board.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Chair will entertain a motion.

COUNCILMEMBER SUGIMURA: Oh, so move.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by...moved by Member Sugimura, seconded by Member Kama. Members, any discussion? If not, all those in favor, signify by saying "aye" and raising your hand.

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Member Rawlins...Chair Rawlins-Fernandez, I know we can't see you, is that an "aye?" Okay. I don't know if I can hear you either. Okay. Anyone opposed? Okay. I'll assume we have nine "ayes," with no opposition. Okay. Chair will mark that as...for the record.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE KAULANA
 MOSSMAN.**

CHAIR MOLINA: Okay. Thank you very much, and congratulations to Mr. Kaulana Mossman. This matter will move to the full Council. Very good, Members.

GREAT-2(12) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(COUNCIL ON AGING) (CC 19-24)

CHAIR MOLINA: Moving right along to our second agenda item, which is GREAT Item 2(12). This relates to the appointment of Edward Romson to the Council on Aging. The purpose of the resolution is to approve or disapprove the Mayor's nomination of Edward Romson to the Council on Aging for a term expiring on March 31st, 2023, to fill a vacancy due to the resignation of Susan Lussier. Again, we have Mr. Mossman to give us a brief overview of our nominee, Mr. Edward Romson. Mr. Mossman, you have the floor. Mr. Mossman, I think you're muted right now. If you could unmute.

MR. MOSSMAN: Sorry about that.

CHAIR MOLINA: There you go.

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MR. MOSSMAN: Thank you, Chair Mike. Thank you very much, Mister...Chair Molina. Ed Romson sat on the board for a little less than two years, and he comes with some fabulous...some credentials. He brings a lot to the board. I spoke with the staffers of the committee, the chair people of the Committee of Aging. They look forward to having him back, he's been such an essential part of this...this group, and...and we really like having him. He's basically...when you read all of the...all of his...his application form, I'd rather have you talk to the man because we're really excited to have Ed back. And with that I will leave that to your questions with...with Mr. Romson.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Mr. Romson, if you're...trying to see where you're at. You can...

MR. ROMSON: I'm here as a guest, Chair.

CHAIR MOLINA: There we go. I...I...I hear you. Okay. Good morning, Mr. Romson. If you could...

MR. ROMSON: Aloha.

CHAIR MOLINA: Yeah, aloha. If you could just take a minute or two to tell us a little bit about yourself and why you're interested in serving on the Council on Aging. After you do that, then I'll open the floor up for questions for the Members. Please proceed, Mr. Romson.

MR. ROMSON: Mahalo, Chair. And kalimera to everyone. Aloha kākou. Let me start at the beginning. I'm a Maui boy, grew up in Kihei, graduated from Baldwin. Go Bears. And after...after graduation I...I went to school on the mainland, and then went into the Army after that during the Vietnam era. I was a medical service corps officer, and served in Texas primarily taking care of people coming back from...from our conflict then. After that I...I went to work for Apple computer, and moved into customer care. So we did technical support and that sort of thing. My career then spanned 26 countries working in customer care, setting up technical support groups all over the world. I came back to Maui about seven years ago when my mom started failing, and it's important to talk about my mom because Mom was Director of Nursing at Hale Makua for 20 years. She volunteered for 20 years. She went into the care home and then passed at...at Hale Makua. I've sort of picked up her mantle there, I'm now chair of...of the board for Hale Makua, and really supporting the great work they do, not only here, but on Moloka'i and Lāna'i. And I want to remember...remind you that we also have a home health service that goes all over the...all over the County. I'm privileged to be able to...I was privileged to be able to sit on the...on the commission [sic] for a while, and I really ask your support to be able to continue the outreach for our kupuna and...and bring my...my experience and my connections . . . (timer sounds) . . . to the council. Thank you.

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CHAIR MOLINA: All right. Thank you very much, Mr. Romson. Right on time. And we appreciate you willing to volunteer your time to serve on this very important commission [sic]. And thank you very much for your service to our country as well. Members, any questions for Mr. Romson as it relates to his nomination to the Council on Aging? Okay. Looks like...oh, here we go. Member Paltin, questions for Mr. Romson?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Romson, for your willingness to continue serving in this capacity. I just was wondering if you could pinpoint what...what you feel are some of the biggest challenges facing our kupuna today, and how you think that you can improve it by sitting on this board [sic]?

MR. ROMSON: You know, I think in the...in the era of COVID, isolation is one of the biggest issues facing our kupuna right now, whether they're at home or they're in care facility. You know, I...a number of people who have had residents in Hale Makua have reached out and have really been upset that we've had to...or Hale Makua has had to restrict visitation because they want to come and see their...their kupuna and...and their family members. We worked really hard to...to try and open up as soon as we could, but always with the...with the concern that we didn't want any community spread within the facility. We've had to cut back some of our home health services as well, and...but that's starting to open up now with more vaccinations and...and...and the lessening of the...the infection. So it's...it's really that outreach and getting out to visit kupuna who perhaps haven't seen somebody in...in a couple weeks or even a month. So that's the kind of stuff that we...that I'd like to...to...to push forward and encourage.

COUNCILMEMBER PALTIN: And recently, I tried to sign up for some services through the Office of Aging and, you know, we were put on a waitlist and since then...before we got the services, my mother-in-law passed away. I was wondering if you...

MR. ROMSON: Sorry for your loss.

COUNCILMEMBER PALTIN: Thank you. I was wondering if you had any ideas as to how we can reach out to all those folks that are on the various waitlists?

MR. ROMSON: Yeah, it's...it's tough and there...you know, all of the facilities on the islands have...have experienced that kind of waitlist because the...the population is...is...the overall population is aging, and the requirements are...are greater. I can speak to Hale Makua. Hale Makua is...is trying to expand our services. Some of you may be familiar with our proposal for the gateball field next to the Kahului facility. That will allow us to expand our...our services. I think we need to look for...for creative and innovative ways to address the need like that. You know, we...and we're always looking...again, I'll use the example of Hale Makua, we're always looking at...at ways to adjust what we're doing to...to meet the needs. So, you know, we have two facilities. We have one

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in Wailuku next to Saint Anthony, and...and one in Kahului. We're trying to balance . . . *(timer sounds)* . . . what each of the facilities do.

COUNCILMEMBER PALTIN: Thank you. My time is up.

CHAIR MOLINA: Thank you very much for those questions, Member Paltin. Very good questions, by the way. We'll go to Member Kama, followed by Member King.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Romson, for...for being here. I have a question. You know, in my experience with working with elders, there seems to have been a shortage of home care health workers. And I want to ask you, what do you think you would do to be able to ensure that we have at least the capacity to be able to meet the needs of our elders?

MR. ROMSON: Yeah. There...I think there are two issues there. One is the...the opportunities for young people to go into...into the health service and to...to get the credentials so that they can be home health workers or...or CNAs. And the reason I mention CNAs is because Maui College has a new program...well, it's...it's a couple years old --

COUNCILMEMBER KAMA: Yeah.

MR. ROMSON: -- but has a new program that trains CNAs.

COUNCILMEMBER KAMA: Yeah.

MR. ROMSON: And Hale Makua has been really supportive of that. But in general I'd like to see more opportunities like that so that we can grow our own, and people have opportunities to go into the healthcare...healthcare system rather than having to...to perhaps look at other work here on Maui. So that's...that's one thing. And the other thing is to...to get the word out. A lot of people don't know that home health is...is available to them and...and...and that sort of thing. So I think Council on Aging could really get that word out and identify the opportunities for our kupuna to...to have home health. I hope I answered your question. I...

COUNCILMEMBER KAMA: Somewhat. If I may --

MR. ROMSON: Okay.

COUNCILMEMBER KAMA: -- Chair? So --

CHAIR MOLINA: Proceed.

COUNCILMEMBER KAMA: -- while we're talking about the opportunities that are available for people who want to enter into the profession, what are we doing in terms of

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ensuring that they stay? Because my...my experience has been we don't pay them enough, we don't give them any kind of benefits, we don't allow them to have mileage, and so they're...it's just a flat rate, and that's it. They don't have a medical plan, a health...nothing. So how do we incentivize these young people if we have nothing to offer them? So what can we offer them?

MR. ROMSON: Yeah. Well, I look at both sides. You know, I sit on the...on one...on one side, on the board for Hale Makua, and we look at our budget and...and what money we have to allocate. And then I also, having come from a healthcare background, understand the points that you brought up exactly that, you know, some of the CNAs are paid basically subsistence wage and...and that sort of thing. So it's a...it's a push me, pull you kind of situation, and...and I think working together, we can come to a reasonable accommodation. You know, healthcare funding again is . . .(timer sounds). . . is a big issue, so we need to work on that.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Romson.

CHAIR MOLINA: Thank you, Member Kama. Member King, questions for Mr. Romson?

COUNCILMEMBER KING: Thank you, Chair. You can really tell how important the kupuna are to us because you're getting a lot of questions, Mr. Romson.

MR. ROMSON: Of course. Yes.

COUNCILMEMBER KING: And I love your enthusiasm, and I thought...and I was really impressed with your...with your...your application. I just wanted to make sure that you're currently on the Council on Aging?

MR. ROMSON: I termed off, so I'm...I'm...I'm attending as a guest.

COUNCILMEMBER KING: Your...when did you term out?

MR. ROMSON: Three or four months ago.

COUNCILMEMBER KING: Oh, okay. But you...were you...were you appointed to fulfill somebody else's position?

MR. ROMSON: Yes. I was...yes.

COUNCILMEMBER KING: Okay. So I just wanted to make that apparent...you know, just state that for the record so that people understand. Because we do have that...

MR. ROMSON: Right. I've been through the process.

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COUNCILMEMBER KING: I think...no, it's really...and the one thing that...that I was really impressed about was your background in technology, and that's where...another need I see that we have with our elderly is connecting them with technology and doing that kind of education. Do you agree that that's an issue for our elderly?

MR. ROMSON: Yes, ma'am. Yeah, and especially those that are separated from towns and that sort of thing, to be able to go online with a...you know, with a book...an electronic book and be able to communicate takes them out of that isolation. And I think, you know --

COUNCILMEMBER KING: Right.

MR. ROMSON: -- that's the...the one biggest issue is not having somebody visit. And if we can do...if we can do visits like this, and I can see your smiling face and...and tell you that I care about you, then that helps.

COUNCILMEMBER KING: Yeah, that's great. Okay. That's...I think you're...I think you are...you hit the nail on the head. And I really appreciate you signing up again, and willing...willing to continue. Thank you.

MR. ROMSON: My pleasure.

COUNCILMEMBER KING: Thank you for being here.

CHAIR MOLINA: Okay. Thank you very much, Member King. Members, any other questions for Mr. Romson? Okay. Seeing none then. . . .*(dog barks)*. . . All right the...forgive the dog, guys, having some construction work so my dog's acting up again. All right. The Chair's going to recommend approval of...on the resolution for the nomination of Edward Romson to the Council on Aging for a term expiring on March 31st, 2023. Chair will entertain a motion.

COUNCILMEMBER KAMA: So moved.

CHAIR MOLINA: Okay. Moved by Member Kama --

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: -- seconded by Member Sugimura. Members, any discussion? Seeing none. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Aye. Committee Vice-Chair Rawlins-Fernandez, do we have an "aye" from you? Okay. There we go. Okay. Very good. Good to see you again. All right, any

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opposition to the nomination? Okay. Chair will mark it nine “ayes,” zero opposition. The vote is unanimous.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **ADOPTION OF RESOLUTION TO APPROVE EDWARD
ROMSON.**

CHAIR MOLINA: Congratulations, Mr. Romson, your matter will move on to the full Council.

MR. ROMSON: Mahalo and aloha.

CHAIR MOLINA: Aloha.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Romson.

CHAIR MOLINA: Okay.

**GREAT-2(13) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COST
OF GOVERNMENT COMMISSION) (CC 19-24)**

CHAIR MOLINA: All right, Members, we’re moving along at light speed here to our next GREAT Committee item, which is GREAT Item 2(13) which is...and relates to the Mayor nominating Eric Cuomo to the Cost of Government Commission for a term expiring on March 31st, 2023, to fill a vacancy due to the resignation of Hannah Werth. The Council, by the way, has a 60-day deadline to approve or disapprove this nomination, and that deadline is July 2nd, 2021. And again, I’ll recognize Mr. Mossman to give us a brief overview. And I believe Mr. Cuomo is waiting in the wings as well to give us some opening remarks. First Mr. Mossman.

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MR. MOSSMAN: Thank you, Chair Molina. Mr. Eric Cuomo is really...he...he had graduated from the University of Manoa with a political science degree, moved to a small town called Manor in...in Texas where he sat on as a councilmember, which I thought that was pretty...pretty neat, especially having spoken with this young man. And he presently is with Kokua Realty as a director of storage management and commercial retail. Basically he's the Chairperson of the Kamali'i Elementary School Community Council, been doing this for six years, as well as the...the soccer league in Kihei. He's a resident of Kihei. And we're...we're really looking forward for Eric...Eric to be filling in on the Cost of Government only because of his willingness to serve and his ability to pretty much...very well-balanced young man. And I'd like to introduce him at this time as the Mayor's nomination.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Good morning, Mr. Cuomo. Please go ahead and take a minute or two to give us a brief summary of yourself and why you'd like to serve on this commission. Proceed, Mr. Cuomo.

MR. CUOMO: Good morning, everybody. Thank you for allowing me to attend this meeting. So like the previous gentleman, I also grew up in Kihei. I went to Kihei School, Lokelani, Baldwin, ultimately UH as Mr. Mossman had mentioned. I think he talked a little bit about my brief political career. I also sat on the street naming commission here locally when I moved back. So basically my story is I ended up after graduating moving to the mainland for a few years, kind of get off the rock, see what that has to offer. Picked up some experience and decided to come back just in time for my children to go to school, which is how I ended up at Kamali'i. Had an opportunity there to join the community council, which ultimately I became the chair. And my fifth grader just graduated, so I'm now officially free from that role after a six or seven-year run, whatever that may have been. In regards to the Cost of Government, I think it's actually a very similar role to what essentially I was doing on the school community council. Basically the role there is to approve the academic financial plans for the school and kind of go over how money is spent. You know. and of course. my vested interest in having children at that school for ultimately ten years from my youngest...my oldest to my youngest, and having grown up in Kihei, and having very...a very strong interest in...in the community here and the future of this island.

CHAIR MOLINA: Okay. Thank you very much, Mr. Cuomo, for your opening remarks. Just I'll...I'll ask the first question. Just --

MR. CUOMO: Sure.

CHAIR MOLINA: -- I...I think it's wonderful you have some political background, so you certainly have some strong, I guess, background in terms of the innerworkings of departments. Anything at...at this point, should you be selected to this commission, any...any of our departments that you see from your vantage point right now that we could maybe improve upon or any thoughts you'd like to share?

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MR. CUOMO: You know, I guess...I think clearly, right now the hot topic is...is tourism as we sort of bring that back into our lives, and we all got the experience to have...see what it was like to kind of go back 30 years and...and have the numbers be down. So I'm very much interested in how we become...I guess as the Mayor always like to refer to, the new normal. While we bring the tourists back, we know how important that is in our economy, but how we ensure that we have a plan B, we have other sources of economy so that we don't simply rely on that, and to the point where we get overwhelmed by the situation, or we get into trouble, as we did in the middle of the pandemic. So that's certainly something I'm interested in. You know, really all of it, I mean, I think the innerworkings of government has always been intriguing to me, hence my degree in political science. So hopefully that answers your question. But I would say currently that...that's probably one of the main things that I...is...is on my mind.

CHAIR MOLINA: All right, very good. And quite timely.

MR. CUOMO: Yeah.

CHAIR MOLINA: Okay. Let's see if there's any other questions for you from the Members. Committee Vice-Chair Rawlins-Fernandez, questions for Mr. Cuomo?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Cuomo.

MR. CUOMO: Hello. Uh-oh.

VICE-CHAIR RAWLINS-FERNANDEZ: *(audio interference)* willing to serve. *(audio interference)* My first question is regarding your attendance. Do you foresee any concerns with your ability to attend all the meetings?

MR. CUOMO: I...I do not. So in my previous experience with the street naming commission, I don't believe I ever missed a meeting. Of course, something may come up like a vacation or something to that extent. I have already had conversations with my employer about, you know, having the opportunity to sit on meetings once a month or however frequently they are doing working hours, so that shouldn't be an issue. Luckily they encourage for us to go out and...and be a part of the community, and to better ourselves in self development. So I don't anticipate any issues. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Have...would you mind sharing with us some of your experience with the Cost of Government Commission. Have you attended any of their meetings, reviewed any of their minutes?

MR. CUOMO: So I did review minutes from the...I guess it was the April meeting, which was the...and the agenda from the May meeting, and kind of did a little bit of research. And...and my experience, once again, with this particular committee *[sic]* is...is limited, in full transparency; however, I do feel that my experience ties to some of the

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similar issues that I see being discussed. And...and my experience with the school community council and my current role as a commercial real estate...a realtor and a property manager, I...I am heavily involved in budgeting for, you know, buildings and...and going through that process. So I do feel once again that my experience will help me to learn pretty quickly whatever those roles may be.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And how do you envision contributing to the commission?

MR. CUOMO: Well, I guess in any way they see fit. I mean certainly, through...through conversation and through ideas and hopefully, once again, my experience. But I guess I kind of...probably have to get there and feel it out and...and see how I fit and where my experience will tie in and how I can best contribute.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. And then my last question, so this particular group on the commission right now, they're very active. So do you anticipate being able to, you know, contribute in that way? I know like the commitment is...that's being asked is to attend the meetings, but it sounds like they also have subcommittees that do additional work. Is that something that you think that you would be able to participate in as well?

MR. CUOMO: Sure. Absolutely.

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

MR. CUOMO: Thank you.

CHAIR MOLINA: Mahalo, Vice-Chair. Members, any questions for Mr. Cuomo? I see Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Mr. Cuomo, for your willingness to serve. It...it looks like on your application, you had no political affiliation. Side with any different party, or...or you just didn't want to go ahead and announce any affiliation?

MR. CUOMO: Well, I generally...I guess if I had to say I have any, I tend to...well, I...I...to your...to answer your question, I guess the...the reason I didn't commit to one particular one or the other is because I do like to see the good in both if that's there, and unfortunately, I'm aware of the fact that there is challenges with both parties or...or, you know, in the case that there's a third party. So...but generally I would say I lean more Democrat in full transparency.

COUNCILMEMBER SINENCI: Great. Thank you.

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MR. CUOMO: And growing up here on Maui, you know, the...definitely have more of a liberal perspective.

COUNCILMEMBER SINENCI: Okay. Great. Thank you for your response. And then just...yeah, just a general question. Do you see any conflicts of being...whether in your work and being on the...on the commission? I know this commission has made some statements towards the...the tourism industry. So do you see any...any conflicts . . .*(inaudible)*. . .

MR. CUOMO: Not necessarily. I think, you know, being in...in commercial real estate, obviously there's...there's a need for growth. And in order for me to have a successful career, there needs to be opportunity for...for buildings and...and...and retail and...and all those things. However, I...I do also care very much about sustainability and finding that balance. So I think I have a fair enough perspective to be able to...to understand where it benefits, and then also being realistic about how sometimes it's too much.

COUNCILMEMBER SINENCI: Okay. Great.

MR. CUOMO: But open-minded either way.

COUNCILMEMBER SINENCI: Okay. Mahalo. Thank you for your service to your community. Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Councilmember Sinenci. Before recognizing Councilmember King, Chair would like to extend my apologies to one of our hardworking OCS Staff who I did not mention early on, and she's been helping us, Ms. Lenora Dinneen. Thank you so much for your assistance, Lenora. Okay. Let's go to Councilmember King, questions for Mr. Cuomo?

COUNCILMEMBER KING: Okay. Thank you, Chair. Aloha, Mr. Cuomo. I have to just ask, are you related to any of the nationally known Cuomos? Just because I know it's on everybody's mind.

MR. CUOMO: So yeah...well, very distant, if any. There's no personal relationships that I'm aware of. And I guess if you had asked me that a year ago, I would have tried really hard to say yes and find a way, but recent events have kind of it made it a little more easy for me to say no, I don't know those people.

COUNCILMEMBER KING: Okay. But thank you for sharing so much of your background and your philosophy.

MR. CUOMO: Of course.

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COUNCILMEMBER KING: My...most of my questions were answered, but I just had a question about the...the school community council at Kamali'i.

MR. CUOMO: Sure.

COUNCILMEMBER KING: How long...is that...is that...did that morph out of the SCBM, the school community based management program? Is that part of that program still going on?

MR. CUOMO: You know, I'm...I'm not sure, to be honest with you. When I started, it was already the school community council, and so basically it's...it's a combination of parents. And so in this particular council, there was two to three parents at any given time, two to three teachers, the principal, of course, sat on the board, and then there would be a community member, and then one...I can't remember what they call him, but a staff member who's not a teacher. And basically...

COUNCILMEMBER KING: Yeah, it sounds like the makeup of the school community based management council.

MR. CUOMO: Okay. So...so yes, Kamali'i.

COUNCILMEMBER KING: I was on the Board of Education back in the '90s when we set all that up, so I'm glad to hear it's still going on.

MR. CUOMO: Yeah, yeah.

COUNCILMEMBER KING: And I just wondered if you were...you were...you were saying that your...your function is to approve the funding and educational program at the school. Is that...was that written into the...the description, or is that something that the...the council decided it was going to do?

MR. CUOMO: No, so...so it's actually the...in the bylaws, so what the school community council --

COUNCILMEMBER KING: Oh, okay.

MR. CUOMO: -- does is it...yeah, it actually...it...we approve the academic and financial plan. So it's prepared by the...by the teachers and the principal ultimately. We have some input on what the hot topics are. It's driven primarily by...by in this case for Kamali'i because they've gone through an accreditation program, they have their recommendations that come from the...from the WASC, I think is what they're called, I can't remember what that acronym stands for. But they provide recommendations to the school about what they need to work on and...from...through observations and, you know, test scores. And so...

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COUNCILMEMBER KING: Okay. I just wanted to make --

MR. CUOMO: Yeah.

COUNCILMEMBER KING: -- the...just, you know, punctuate the point that our Committee Vice-Chair made that the...the Cost of Government Commission, you know, while they do have a, you know, sort of a guideline mandate, they are very active, and they kind of have created their own pathway forward. And they're looking...you know, they've got subcommittees and they're...they're turning out reports. So you know, just expect that when you get on there it's...it's, you know, you're not going to be reading a description that here's what we're supposed to do. They're actually been very proactive, even above and beyond.

MR. CUOMO: Okay.

COUNCILMEMBER KING: Okay. . . .*(timer sounds)*. . . Thank you for volunteering. I think with your background, you'll be *(audio interference)* looking at the --

MR. CUOMO: Thank you.

COUNCILMEMBER KING: -- school finances. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member King. Members, any other questions for Mr. Cuomo? Councilmember Paltin, questions for Mr. Cuomo?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Cuomo, for your willingness to serve some more. I just was looking at the application, and it said...was it correct that you turned this in April 27th of this year?

MR. CUOMO: So most recently, yes. I think I've had kind of an active application for really, a willingness to participate in...in boards as they come, and then this particular one sounded like I fit.

COUNCILMEMBER PALTIN: And were you...

MR. CUOMO: So that was the recent application. Based on the nomination...I mean, based on the vacancy.

COUNCILMEMBER PALTIN: Oh, okay, okay. Were you approached, or was this your first choice? Were you solicited to put in an application?

MR. CUOMO: So...so a combination of both. So I...having been on the street naming commission in the past with Alan Fukuyama, we had had some interactions probably about a year ago regarding getting back into it. And...and so I generally put my name in and, you know, to keep me posted if something you think would be a good fit. But

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between Alan Fukuyama and then Mr. Ipo Mossman and my background and...and with at least Mr. Fukuyama knowing my background that it felt like it good fit, and so then I was, yes, approached.

COUNCILMEMBER PALTIN: Okay. And I guess the other...the other thing, I...I did hear your interest in the new normal and...and tourism management. But I think in this last budget, there wasn't very much Cost of Government on tourism. I mean it was 1.5, but then it got cut, and then it was tourism management. So I just was wondering your familiarity with the other various departments such as, you know, Planning, Public Works, Fire. I mean, I guess you wouldn't see Fire and Police because they have their own commissions, but just the...the other departments of the County. Do you think it's similar to the jurisdiction in which you ran or...

MR. CUOMO: Yeah. And...and having just general exposure from being in a city council before, and then ultimately just paying attention to such things, I think I have a pretty good idea of what...what the...and I've been on the planning and zoning commission. That was actually prior to becoming a councilmember, I...the way I first got involved was I sat in on the charter...basically the...the city was turning from...in Texas is where I was, where it's...you become a self rule as...and as...with that said, they needed to create a charter to come up with...you know...well, actually, a commission to create the charter. So that's what I was a part of, and then became the chairperson there. And then because of my involvement there, they were like hey, we've got this opening on planning and zoning, and then so on and so forth. And then ultimately led to becoming a councilmember and...which was good for me because I finally was getting to use my political science background in a...in a more meaningful way.

COUNCILMEMBER PALTIN: And was it nonpartisan there as well, or you ran as . . .(timer sounds). . . a Democrat?

MR. CUOMO: That is correct. Correct.

COUNCILMEMBER PALTIN: Right on. Okay. Thank you. My time's up.

MR. CUOMO: Thank you.

COUNCILMEMBER PALTIN: Thank you for your willingness to serve.

MR. CUOMO: Of course.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Members, any other questions for our nominee, Mr. Cuomo? Seeing none. Then the Chair will then make a recommendation now to move to adopt the resolution to approve Eric Cuomo to the Cost of Government Commission for a term expiring on March 31st, 2023.

COUNCILMEMBER KING: So moved.

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CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Moved by Member King, seconded by Member Sugimura. Any discussion? Okay. Chair would like to make a...an amendment to the first whereas paragraph by correcting the spelling of the name of Hannah, and that is to add an H at the end. It's more of a...I guess it could be looked at as a friendly amendment, but nonetheless --

COUNCILMEMBER KING: Friendly amendment accepted.

CHAIR MOLINA: -- is...yeah. Okay. Members, we'd like just leave it as a friendly amendment then? Any objections to that? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think that would be covered under nonsubstantive amendments.

CHAIR MOLINA: Nonsubstantive. Yeah. Okay. We can just do it as a nonsubstantive change --

VICE-CHAIR RAWLINS-FERNANDEZ: Well, if we...

CHAIR MOLINA: -- if there are no objections.

VICE-CHAIR RAWLINS-FERNANDEZ: If you included that in the main motion, then Staff should be able to correct the name of the Ms. Werth.

CHAIR MOLINA: Okay. I'm open to that suggestion. So if there are no objections I'll withdraw that motion to amend and let...just consider it as a substantive [sic] change, and let Staff make that change if no objections?

VICE-CHAIR RAWLINS-FERNANDEZ: Nonsubstantive.

COUNCILMEMBER KING: Nonsubstantive.

CHAIR MOLINA: Nonsubstantive. Sorry. Nonsubstantive. Yeah.

COUNCILMEMBER KING: It's okay.

CHAIR MOLINA: Okay. All right. We'll do it that way then. Any other discussion on the motion on the floor? Seeing none. Then Chair will call for the vote. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: And any opposition? Okay. Seeing none. Then the Chair will mark it nine "ayes," zero opposition.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION TO APPROVE ERIC
 CUOMO.**

CHAIR MOLINA: Congratulations, Mr. Cuomo, your matter will move to the full Council for a final vote. Very good. Okay. Members, boy, we are just coming along here in record pace here.

**GREAT-11(29) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION:
RETENTION OF THE OFFICE OF THE CORPORATION COUNSEL,
COUNTY OF HAWAII, AS SPECIAL COUNSEL IN THE MATTER OF
ARBITRATIONS BETWEEN THE HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO AND THE COUNTY OF
MAUI) (CC 21-46)**

CHAIR MOLINA: Let's go to our next GREAT item, which is 11(29) which is the Retention of the Office of the Corporation Counsel, County of Hawai'i, as Special Counsel in the Matter of Arbitrations Between the Hawai'i Government Employees Association, AFSCME, Local 152, AFL-CIO and the County of Maui. From Corporation Counsel, to give us a overview of this matter, I'd like to recognize Ms. Iwalani Mountcastle Gasmen. Good morning, Ms. Gasmen.

MS. MOUNTCASTLE GASMEN: Good morning, Chair. So basically the reason we brought this resolution to the GREAT Committee is because Corporation Counsel has a conflict of interest with the employee that's involved in this matter. He basically works for the

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Corporation...the Department of the Corporation Counsel, and many of the witnesses, his supervisors, our Corporation Counsel would be witnesses in the case. And because of that, it has created a conflict where we are requesting that the Corporation Counsel on the Big Island assist us with representation in these matters.

CHAIR MOLINA: Okay. Thank you very much, Ms. Mountcastle Gasmen. We also have in attendance the Deputy Director of Personnel, Ms. Cynthia Razo. Ms. Razo, any additional comments before we open the floor up for questions?

MS. RAZO-PORTER: Good morning, Chair. Good morning, Members. So no, no real issue to present to you. I know that they presented their request, and so we are here for any information or questions that you may have.

CHAIR MOLINA: Okay.

MS. RAZO-PORTER: Simply put --

CHAIR MOLINA: All right. Thank you very much.

MS. RAZO-PORTER: -- Corporation Counsel is our legal counsel in arbitration, so hence the...the conflict.

CHAIR MOLINA: Okay. All right. Thank you very much --

MS. RAZO-PORTER: Thank you.

CHAIR MOLINA: -- for your comments, Madam Director. Okay. Members, any questions in open session for either Ms. Mountcastle Gasmen or Ms. Razo? Member King?

COUNCILMEMBER KING: Thank you, Chair. I'm not sure who the question is for, but just if you could speak to the commonality of doing this, and then why we chose the Hawai'i...the Corp. Counsel of Hawai'i County versus, you know, Kaua'i or Oahu's? Is there...you know, is that a normal reciprocation that we do with that particular County?

CHAIR MOLINA: I guess maybe that would be a question for Ms. Mountcastle Gasmen.

MS. MOUNTCASTLE GASMEN: Sure. Usually we have the other counties that can assist us in these matters, so we don't just pick and choose whether or not it's Big Island or Kaua'i necessarily. It's...it's something that if they're available and they can assist us in these matters, you know, we would just be...I know we're requesting \$5,000, it's really just to...for their flights here. And you know, vice versa, we could also assist the other counties in circumstances like these.

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COUNCILMEMBER KING: How do...how do you choose them though. Do you put out an RFP, or do you just go down a rotational list?

MS. MOUNTCASTLE GASMEN: In this particular matter, I'm not sure how. I know our Corporation Counsel had discussions with the outside agencies, so I'm not particularly privy to how that occurred; however, you know, usually it's which counties can assist because a lot of...a lot of them are...are just as busy as all the other counties.

COUNCILMEMBER KING: Well, no, I assume that, but I just wondered how you determine that. You know, do you *(audio interference)* --

MS. MOUNTCASTLE GASMEN: Yeah, so...

COUNCILMEMBER KING: -- go ahead and put out a notice and see who replies to it, who responds to it, or do you have...do we have a reciprocation agreement with the Big Island? I know we've used Big Island before.

MS. MOUNTCASTLE GASMEN: That...again, I apologize. I don't have...I'm not privy to that information as to how that occurred.

COUNCILMEMBER KING: Okay. Maybe...maybe somebody else from Corp. Counsel knows.

CHAIR MOLINA: Member King, maybe what we can do if you want, I can make a request in writing from the Department to explain to us...

COUNCILMEMBER KING: Yeah, I'm just curious because, you know, I think we've had this before where we've actually used the Big Island counsel, and I'm just curious, is that...is there a...oh, Mr. Murai is on, so maybe he knows.

CHAIR MOLINA: Mr. Murai?

MR. MURAI: Thank you, Mr. Chair. My understanding is that our departments, the...the Hawai'i County as well as the Maui County departments of Corporation Counsel have had a longstanding relationship where we both kokua each other when we have situations of conflict. And we do not charge each other any attorneys' fees, but all we ask is that the requesting county cover the cost of transportation, you know, air and ground transportation and per diem, if any. And I'm not aware that it's a formal arrangement, it's just that it's worked out well in the past because our departments are roughly about the same size, and our counties are roughly about the same size, so the issues that we each face are often similar. And so I'm not aware of any kind of formal agreement. And you know, again, the...you know, we...we don't charge each other fees. It's...it's always...like I said, it's based on kind of a mutual kokua kind of basis. So in other words, this time we're asking them; you know, just as easily, the next time around, the request could come from Hawai'i County for...for our assistance.

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COUNCILMEMBER KING: Okay. Yeah, that's kind of what I...I thought, I thought we had done some reciprocal things with that county. So thank you for that answer, very --

MR. MURAI: You're welcome.

COUNCILMEMBER KING: -- thorough. Thank you, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. I just got a quick question for Corp. Counsel. I'm just making the assumption that it's the same person, but is there a problem if this employee had been emailing us before about their situation?

MS. MOUNTCASTLE GASMEN: Okay. So I'm not sure of the context of what was...what was occurring; however, you know, if there were a situation where you were to become witnesses in the case because there was information shared, then, you know, that could also pose a conflict. So I'm not sure what occurred between the employee and maybe a Councilmember, but maybe that can be discussed at another time.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Members, any other questions in open session for Ms. Mountcastle Gasmen or Director Razo-Porter? And again, the focus is on approving or disapproving the request for \$5,000 to have a Corporation Counsel from the Big Island be involved in this case related to grievances from HGEA Bargaining Unit 13. Anything else, questions? Otherwise, the Chair will make a recommendation in open session. Okay. All right. With that said then, the Chair's recommendation then is to approve the amount of \$5,000, the proposed resolution to authorize the employment of the Office of the Corporation Counsel, County of Hawai'i as special counsel to represent the County of Maui in this matter involving HGEA Bargaining Unit 13.

COUNCILMEMBER LEE: So move.

CHAIR MOLINA: Chair will entertain a motion.

COUNCILMEMBER LEE: So move.

CHAIR MOLINA: Moved by Member Sugimura, seconded by Member Lee. Any discussion? Seeing none. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed?

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MS. ESPELETA: Mr. Chair?

CHAIR MOLINA: Yes, Ms. Espeleta?

MS. ESPELETA: Mr. Chair, just as a reminder, this item is agendized for Friday's Council meeting for action due to its time sensitivity.

CHAIR MOLINA: Yes. Thank...

MS. ESPELETA: So the recommendation would be to defer the matter.

CHAIR MOLINA: Thank you for that reminder. I jumped the gun a little bit. So Members, no action today. We will take action at this Friday's Council meeting. So...

COUNCILMEMBER KING: Do we need withdraw our vote?

CHAIR MOLINA: Yeah. Just go ahead and withdraw the motion and the votes. So I believe...who made the motion, was that Member Sugimura, and the second was by Chair Lee. So scratch that from the record. So we will defer this item for decision making at this Friday's Council meeting. So with that said, any final questions before we move forward with our next agenda item? Okay. Seeing none. Thank you very much, matters [sic]. Any objections to deferral? Okay. So ordered.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Awesome, Members. We are on our last agenda item for today. Members, do you want a break or do you want to just power through this? It's three minutes to the hour of 10:00 a.m. You want to just take this up or you need a break?

COUNCILMEMBER KING: Power through.

CHAIR MOLINA: Power through. All right. Everybody's got energy first day of the week. All right. That's great. Okay.

GREAT-29 ILLEGAL FIREWORKS IN MAUI COUNTY (CC 21-40)

CHAIR MOLINA: Our last item is GREAT Item 29 which has to do with Illegal Fireworks in Maui County. And this item is attached...well, attached to County Communication 21-225 is an article relating to a downloadable app for reporting illegal fireworks, and this app collects tips on the sale and use of pyrotechnics. And I'd like to recognize

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Chair Lee, who's brought this matter to the forefront of this Committee. Chair Lee, opening remarks?

COUNCILMEMBER LEE: Thank you, Mr. Chair. I referred this to Council because of the many, many, many complaints we receive around the 4th of July, which is, you know, almost at our doorstep, and during the holidays. It...it seems to be a growing problem, and I would like to hear from the Police and the Fire Department on exactly what are they doing...are they doing that's different? Because you know, we have to start, you know, being more proactive and trying different things. And I'm hoping that they will take a look at this app, which comes from San Bernardino, California. I am...this was sent to me by email, so this is something I think both the Fire Department and the Police Department should look into, whether it's that app or any other app that helps the residents report incidents of illegal fireworks or illegal purchases. Thank you, Mr. Chair.

CHAIR MOLINA: Thank you very much, Chair Lee. And this matter...I appreciate you bringing this to the Committee's attention because it's quite timely because we have the 4th of July commemoration coming up next month. So we'll start first with the Fire Department, and recognize Fire Prevention Bureau Captain Mr. Ryan Otsubo. Mr. Otsubo, you're online here. I'm trying to look for you. If...

MR. OTSUBO: Hello, hi. This is Ryan.

CHAIR MOLINA: Oh, okay. We can hear you loud and clear. Mr. Otsubo, please go ahead and give...share with you...your comments with regards to the proposed matter from Chair Lee.

MR. OTSUBO: Okay. I did have a chance to speak to other County departments, Fire, and they pretty much have the same problems we do. The Fire Department doesn't have any enforcement powers, they really rely on the Police Department. Some of the penalties, I guess it comes from HRS 132B. I don't know if you guys are aware of that. We have, I guess, anything over 25 pounds be a Class C felony, anything less than 25 pounds is a misdemeanor, and fines are from 500, no more than \$2,000. But Fire Department is very limited on what we can do as far as enforcement.

CHAIR MOLINA: Okay. Thank you, Captain. Boy, I just can't imagine an individual household having 25 pounds of fireworks. I'm just trying to imagine that. Boy, that's a lot of money and a lot of fireworks, for sure. Okay. Members, what I'd like to do now is recognize Captain Jakubczak from the Police Department. And after he's through with his comments, then I'll open the floor for questions from the Members. So with that said, Captain Jakubczak, welcome again to our Committee meeting. We've...you're very well known for joining us in our various proceedings with all of our other committees. We'd like to get your take on the proposed legislation from Councilmember Lee.

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MS. ESPELETA: I believe the Police representative is joining momentarily.

CHAIR MOLINA: Okay. All right. Well, what we'll do then, we'll open the floor for questions for Captain Otsubo. And once Captain Jakubczak gets onboard we'll have him give comments. So Members, questions for Captain Otsubo as it relates to the Fire Department's role with the illegal fireworks? We'll go to Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm assuming I'm timed, so I'm just going try go through it...my questions as far as possible, and if I cut you off that just means I got the answer I needed already. I was wondering if you were aware if the fine amount and specifications, if that's under the State legislation, or is there any amending that the County can do to those amounts?

MR. OTSUBO: I believe we can amend and make, you know, harsher penalties, but it does come from HRS 132B, I think Section 14 is the penalties.

COUNCILMEMBER PALTIN: And do you work with the State very much on these issues or...you know, because unlike other states, everything would have to be shipped in or cargo or something like that. Is there any efforts to better search incoming cargo?

MR. OTSUBO: I took over maybe from January replacing Captain Haake. I haven't been involved with this process in the past. So sorry, I don't have any information that I can give you, but I can...I can find out if you want me to.

COUNCILMEMBER PALTIN: Okay. All right. Maybe we can work together on maybe some HSAC package or Maui County legislative package to the HRS or something.

MR. OTSUBO: Okay. We are currently writing our amendments right now. So when we reach that stage, we can have that discussion.

COUNCILMEMBER PALTIN: Okay. Cool. Thank you.

MR. OTSUBO: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. My understanding, we have Chief Jakubczak online right now. Chief, are you there to share comments with regards to the GREAT Item 29 from Chair Lee?

MR. JAKUBCZAK: Thank you, Chair, for having me this morning. Good morning, Councilmembers.

CHAIR MOLINA: Good morning.

MR. JAKUBCZAK: Yeah, the...this issue has been...as Chair Lee has known, that this a big issue for us every July 4th and 1st of the year. Fireworks is...although many people

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love to see the aerial displays, it does present an issue with us or a problem for all the smoke and the fires and the injuries we've had recently as well. So as far as our concern, what we can do, what we've been doing is leading up to that day, that specific day, we have special operations with additional personnel. We get them on the road, we get into those hotspots and...and try as best as we can to...I can't say eliminate, I mean, it'll be almost impossible to eliminate all these fireworks from as many neighborhoods as there are in Maui County. But we try to get to the ones that obviously we get calls for, but also that we see. If we're able to see someone lighting a firework, obviously it's an observable offense, and we're able to make either arrests or issue citations. So we'll continue to do that. That's coming up again for July 4th next month. And we have, in the recent past, been successful in having warrants issued for specific packages that come in through the mail system that we've gotten information from. I think the last...one of the last ones we had was about 17 pounds of aerial fireworks that was discovered through being shipped from a mainland address to an address on Maui. We were able to have a warrant issued and executed, and able to determine who the...the package was for, fireworks, made arrests, and then those cases were eventually forwarded to the prosecutor.

CHAIR MOLINA: Okay. Thank you...

MR. JAKUBCZAK: If there are any questions. Thank you.

CHAIR MOLINA: Okay. Thank you very much your opening comments, Chief. Just real quickly, before I call upon the other Members. The Police, you work in...in partnership with...you know, a lot of these illegal fireworks that come in, I guess it would be like illegal drugs being shipped in. So you work with...I guess who would that be from the Federal side, maybe the Coast Guard and other...

MR. JAKUBCZAK: Not so much the Coast Guard, more the...if the Coast Guard has information, yeah, we'll work with them, but it's...this last one I mentioned, it happened to be the Postal Service. And technically...and normally, they won't really, how should I say, give us proactive information. I think in this case, what happened was the packaging was damaged, and they were able to see...observe the...the fireworks within the package because the packaging had...had ripped or torn. And at that point, they notified us, and we were able to move forward with that investigation.

CHAIR MOLINA: Okay. Thank you very much, Chief. Members, questions for Chief Jakubczak? Councilmember Johnson, followed by Councilmember Paltin.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Chief. Just --

MR. JAKUBCZAK: Good morning.

COUNCILMEMBER JOHNSON: -- two quick questions. First off, for the upcoming month when it...when the firecrackers start...start, are you planning to increase your...your

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capacity, you're going to have more folks on that...on that issue? Are you going to be kind of proactive to that? And the second question is...is...so do you...one of the things the Police Department can do really well is PSAs. And do you plan to do any PSAs during fire...firework season?

MR. JAKUBCZAK: Thank you very much for that question, Councilmember Johnson. Yes, without getting into the details of our operation, we will ramp up more personnel for that day, especially the 4th of July. Obviously the two days we're talking about, July 4th and the 1st of the year, are specific to that time. So up...leading up to that...that day, we will have more personnel on the road, especially in a time frame in the evening hours, and we'll have some of our other units help out with...with those operations. And then again, we...we plan to have in every...pretty much every community, some type of a presence to show that...during these firework displays.

COUNCILMEMBER JOHNSON: Thank you, Chief. If I could just follow up for one final question in regards to PSAs. I want to commend the Department for letting the...the drivers known click it or ticket, you have the blinky lights and you tell, you know, the drive hammered, get nailed. That's one of the famous ones I always hear. But you know, during that time of the fire...firework season, I...I really commend you guys for doing it on the drinking and driving, maybe you could just do those...I don't know what the technical term is of the blinky light sign thing, but that's really an eye getter, and I would really...I appreciate you guys' work on doing it for that kind of things, and maybe for this type of thing, it might work well. Thank you, Chair. Thank you.

MR. JAKUBCZAK: Yeah. Yes. And to add on to that, we have a great community relations section who does a great job getting the message out to the community for all types of things, especially for the...the drinking and driving, our traffic section. But we will...we will have some safety announcements made for fireworks and fires, and maybe...and I'm sure we'll reach out to the Fire Department as well to partner with them to get the message out.

CHAIR MOLINA: All right. Thank you very much, Councilmember Johnson. And yeah, you bring up an interesting topic with, you know, the catchy slogans. You know, maybe for something like with illegal fireworks, like don't get burned with illegal fireworks or something along those lines, I don't know. But sometimes that's the kind of stuff that sticks in people's minds is these slogans, yeah. Easy to remember. Okay. Let's go to Councilmember Paltin, and then Councilmember King.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I...I think I was just taking off my earphones. I...I didn't have a question at this time.

CHAIR MOLINA: Oh, okay. Thank you for that. Let's go to Councilmember King, followed by Councilmember Sugimura.

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COUNCILMEMBER KING: Okay. Thank you, Chair. So Chief, you're...you're familiar with this app that...that we're talking about from...from the community on the mainland?

MR. JAKUBCZAK: I am not, I'm sorry.

COUNCILMEMBER KING: Oh, you're not. Okay. Well, I guess that was the main topic of the discussion. So my questions had...really had to do with whether, you know, with anonymity and how people can do those...that reporting. And then the other part of that is generally, most of us don't know until we actually see the fireworks that someone...that it's going on. So I'm assuming at that point, after they've already lit them, that there's no way to determine how many pounds. And you've got...you've got --

MR. JAKUBCZAK: Right.

COUNCILMEMBER KING: -- violations based on pounds of...so can you explain how, you know, if you wanted to report something that was going on in the neighborhood? Because we get them all around our neighborhood. I don't...I haven't heard about any...directly about any accidents that have happened, but you know, they're...they're pretty prevalent. And I...and you always wonder, how do people get those aerals, you know --

MR. JAKUBCZAK: Right.

COUNCILMEMBER KING: -- and how can they afford them is probably the bigger question. So...so the two questions are, you know, so when you report something like that, do you have anonymity, and how do you guys determine what the fine is if it's based on poundage for someone who's already lit off all their fireworks?

MR. JAKUBCZAK: Right. Thank you for the question, Councilmember King. As far as anonymity, any calls to our dispatch center can be made anonymously. So what...what that does is gives us a direction, a location to go to. Now, fortunately for us, fireworks are...are lit by people, especially the aerial type, they're not going to just light one and that's it. So they...they're more likely to light several, a dozen, if not more fire...these aerial fireworks. So it gives us some time to get to the location. As far as the poundage, what we...what we see, what's left is basically what we can utilize as far as the...the charging part of it, but if there are...if we receive video observations of people actually lighting it, that helps us, because we're not there when the lighting of...of the...usually we're not there when the lighting of the fireworks occurs. So we need the public, their help and their assistance, to get any type of proactive enforcement as far as where it's at, who's doing it. And so we'll continue with that. They don't have to give their...their names. It helps as far as if we go to prosecution or if we prosecute a particular crime with a...someone who's a witness to these violations. But again, you talked about this app that allows for anonymity and, you know, I'll be looking into it. But we encourage anyone, if they see something, whether they give

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their name or not, we'll look into their concerns and...and their complaints about these types of violations.

COUNCILMEMBER KING: Okay. Thank you for that answer. It's a difficult thing because, you know, everybody gets together and enjoys them, and it's not a problem until it is, and then somebody gets really badly hurt. So --

MR. JAKUBCZAK: Right.

COUNCILMEMBER KING: -- I think that's what we're trying to prevent.

MR. JAKUBCZAK: Yeah. We're usually the "party poopers" because it's okay when people are having fun and this thing is going on, but again, we've had in the last couple years, especially recently, several injuries. Kids, their hands...their fingers being blown off. We had that one gentleman in Kahului who had the firework enter his vehicle as he was driving, he got injured, and could have been a lot worse. So you know, we've had actually people not so much here I don't believe, but other places get killed because the firework went off in their hands. So we're trying to prevent that, we're trying to make sure --

COUNCILMEMBER KING: Right.

MR. JAKUBCZAK: -- people are safe, so...

COUNCILMEMBER KING: No, I...I completely understand, I totally support you, I...I think it's just hard, you know, for people to rat on their neighbors basically is what --

MR. JAKUBCZAK: Right.

COUNCILMEMBER KING: -- what they're doing, so...anyway, thank you for being here, and thank you for bringing as much awareness as you can to the situation.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: And I vote for Member Molina's slogan. I like that, don't get burned.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: Twice.

CHAIR MOLINA: Okay. Yeah, yeah. You know, sometime that's what it...it takes for...to have it stick in people's minds, you know. But the worst thing is to hear of these tragedies, just terrible. So let's go to Member Sugimura, followed by Chair Lee.

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COUNCILMEMBER SUGIMURA: Thank you. I really appreciate this item because the County has implemented an app called SeeClickFix, and if any of you don't have it, you should download it and put it on your phone. Because I drive around and I take pictures of abandoned cars, trash on the side of the road. I mean, I get all these calls, so I drive up and I take a picture and I register it. It...it registered it...it registers...you have to put a description. You can also opt to not use your name in the complaint. And it goes directly, I think, to the Mayor's Office or...and then it gets distributed to whatever department it's applicable. So I hope that the...the Department will utilize an app that is already in place instead of creating a new one. I see...I see you shaking your head, so that's good if we can look into that. I also heard that the app is going to be used with MAPPS. I just had a presentation from the Managing Director's Office. So it's going to be pretty widely used, and I think this is a great use for it. And again, you can...you can opt to be anonymous, and you take pictures and...and it's video or...or stills, but it sounds like it's a perfect fit for this. And...but my question is, do you think fireworks should be illegal personally?

MR. JAKUBCZAK: Wow, that's...that's a very good question. I think . . . *(inaudible)*. . . I...I guess I'm like anyone else, it's...it's beautiful watching these firework displays, but I believe some people should not be doing these things. It should be done under the guise of someone who's trained, or who has a permit to do such a thing because some people who do it don't take into account that there are dry brush next to them or houses in the area. And these things fall on houses. I've...I've had things fall on my house, on my roof, from fireworks as well. So it's very difficult to indicate...say whether or not it should be illegal. Right now, aerials are illegal unless you have a permit, so that's how we approach it. If it's illegal, we're going to do our job to...to be proactive in trying to find out these people who are setting off these aerial fireworks and...and try and prevent injuries, fires, and property damage. So that's what we're looking forward to. And then to your point about the SeeClickFix app, we get them every...almost every day. My CPOs are out there responding to a lot of these issues that come through that app, and...and they run the gamut of a whole bunch of different type of issues in the community. So we'll continue to do that every day. So that's no problem.

COUNCILMEMBER SUGIMURA: So you can see it being used for this fireworks?

MR. JAKUBCZAK: I can see it...the only issue I...I see with that is by the time...if we get it from the Managing Director's Office or the Mayor's Office, it takes a while for it to get to us. If it gets...you know, if it's a direct link from a community member to the Police Department is one thing . . . *(timer sounds)*. . . because we can respond to that real quickly, whereas we may get it maybe a day or two after the complaint is registered in that...that app.

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

MR. JAKUBCZAK: You're welcome.

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CHAIR MOLINA: Thank you very much, Member Sugimura. Chair Lee, questions for Chief?

COUNCILMEMBER LEE: Hi, Chief. Okay. Do you utilize drones?

MR. JAKUBCZAK: We have drones available, yes.

COUNCILMEMBER LEE: Okay. Because I can see where...like I hear the firecrackers go off and...and the aerals go up, but...I know the general area where it's coming from, but I don't necessarily know exactly who's doing it. So the drones could pinpoint the exact location of the violation. So that's one thing. And I'm sure that app that Member Sugimura mentioned can be modified so that you will receive the information. I think...you know, people have talked about injuries and property damage, but you know, one of the greatest, greatest complaints that I have is the cruelty to animals. And...and this is inexcusable because people have animals that are totally terrified with the noise. And it's...you know, it's...it's not right to subject our animals to this kind of fright. So I'm...I'm hoping that...that you continue to look for new ways to nab these people because a lot of it is just stupid, stupid behavior. And whether it's raising the penalty or the...whatever it is, you know, people have to be held accountable for the irresponsible things that they do. But I do appreciate what the Police Department is doing, and just keep going, I hope you just keep going. Thank you.

MR. JAKUBCZAK: Thank you, Chair Lee. And yeah, with the drone issue, without getting like into the operational specifics of how we would use it, the only thing I would be careful about or would be worried about is having it hit by an aerial firework if it were flying in...in a...in a general area, and then coming down, and we can't control where it comes down. So that'd be an issue we would have to be a little worried about, but I think we can make arrangements to have it maybe off...not in that general area of the fireworks, but to the side maybe, and get a better visual.

CHAIR MOLINA: Thank you, Chief. And...and just following up on Chair Lee's concern about what fireworks does to animals. I'm a veteran, and I have colleagues that have PTSD, and these loud explosions can trigger off some major issues for those of us...those who have PTSD or who have heart conditions, that's another thing too. So totally with you and everyone else in trying to curb this, you know, illegal fireworks. And Chief, how do they make those real loud ones? I mean, is it like...I've heard you put the firecrackers underneath a barrel or a bucket and it makes these real...like...like...almost like a big gunshot or a bomb going off. How is that done?

MR. JAKUBCZAK: Yeah, I haven't...I haven't seen those, but I have heard buckets and all types of different devices are used to make the sound even larger than it...that's the ones we...that I really...at least it is an issue with the community because of the noise.

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CHAIR MOLINA: Yeah, I hate those. Anyway, I saw someone else had a question for you. Councilmember Sinenci, followed by Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Thank you, Chair. And thank you Officer Jakubczak. I just had a question. Do you see that...and maybe following up on Member Paltin's question about shipping, checking of the containers that are coming onto...into the island. I know that...do you see if there's a concerted effort from the other agencies to be checking incoming containers that have all of these illegal fireworks in them?

MR. JAKUBCZAK: Yeah, a lot of that would have to do with...you know, any kind of investigation we conduct is probable cause. So they would have to have information that these containers contain illegal fireworks or anything. That would be, I guess, a question better off for Department of Transportation or Harbors type of question. We would assist in any type of investigation that they inform us about. So again, that would be depending upon the various different agencies that we work with.

COUNCILMEMBER SINENCI: Right. And...and, you know, just along those lines, just the, you know, possible even firearms that are being shipped. If...if they're not being detected inside of the containers that are coming into Hawai'i, and what is...you know, where is our extra level of...of, you know, going through these if...if they're just being just sent from...whether from O'ahu and straight to the islands without any more review or inspections, additional inspections once they get to our port? So again, mahalo for your reporting. Thank you.

MR. JAKUBCZAK: Thank you.

CHAIR MOLINA: Okay. Mahalo, Councilmember Sinenci. Vice-Chair Rawlins-Fernandez, questions for Chief?

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

MR. JAKUBCZAK: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for responding to our questions. My first question is regarding the statute in which your enforcement powers come from. Is that HRS 132-19, which is the aerial luminaries prohibited?

MR. JAKUBCZAK: I believe so, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Are there any other statutes or anything in our Code that you follow for enforcement?

MR. JAKUBCZAK: I do not have it with me, but I believe there's other statutes in the 134 section. I would have to check on that and get back to you...

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VICE-CHAIR RAWLINS-FERNANDEZ: In 134 or 132? In 134 or 132?

MR. JAKUBCZAK: I want to say 134, but I could be mistaken.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Okay. 132 is under Title 10, Public Safety and Internal Security, Fire Protection. So aerals means airborne paper lantern containing a small candle or other device for fuel that heats air from inside the lantern, causing the lantern to rise into the air and remain airborne until the candle or other device extinguishes. In your understanding of that interpretation, does it include the percussion fireworks often referred to as salutes?

MR. JAKUBCZAK: I'm not...just based on what you just told me, I do not hear anything about a explosive concussive device, so I would have to research that section to make sure that we get that right. But it almost sounds like what you described is like the floating lantern.

VICE-CHAIR RAWLINS-FERNANDEZ: This one is aerial luminaries.

MR. JAKUBCZAK: Yeah, luminary indicating lights...

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah (*audio interference*) lanterns.

MR. JAKUBCZAK: Yeah, so it sounds like a light...a lantern.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So your enforcement doesn't come from HRS 132, it comes from 134.28 [*sic*]?

MR. JAKUBCZAK: I would have to look that up. I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. JAKUBCZAK: I'm trying to see where our guys had issued citations in the past for that.

VICE-CHAIR RAWLINS-FERNANDEZ: So this...134 also falls under Title 10, Public Safety and Internal Security. 134 is Firearms, Ammunition, and Dangerous (*audio interference*) 134-28 is Explosive Devices. But these...okay. Sorry, I'm just trying to figure out a couple of things. One, so in...in enforcement, my understanding is one of the issues is that the police actually have to see the person lighting . . .(*timer sounds*). . . the firework.

MR. JAKUBCZAK: Lighting the fireworks, correct. Or have someone who observed it, a witness in this case.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you want me to stop now and wait for round two?

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CHAIR MOLINA: Okay. Let me...we'll do a one-minute round for anyone who needs...let me ask if there's anyone else who would like to go. Okay. Mr. Johnson, followed by Member Paltin, and then we'll come back to you, Vice-Chair Rawlins-Fernandez. Okay. One minute, Members. This is the last...second round.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. Just a quick question for you, Chief. Does the Department have the dogs that sniff for...for bombs and explosives?

MR. JAKUBCZAK: We have a dog. I'm not...I think he's more of a tracking dog, and we have dogs for drugs-related incidents. I do not believe we have for bomb explosive type of dogs. I do believe TSA has, and I think if we were to make a call for assistance, I'm sure we'd be able to utilize, with their approval obviously, in that sense.

COUNCILMEMBER JOHNSON: So if I could follow up on some of your answers to Councilmember Shane Sinenci's question in regards to the shipping of those...of those things, you...I know...I understand you need probable cause. So would that be a thing you could look at too, where you would have a TSA dog at...at the point of shipment where they could sniff out of those fireworks? . . . *(timer sounds)* . . .

MR. JAKUBCZAK: A lot of that would have to depend on the agency who's responsible at that time. I believe it could be Department of Transportation or Harbors. They would have to make the notification for assistance from any other agency, but they have jurisdiction in...in that port.

COUNCILMEMBER JOHNSON: Okay. So it's not so cut and dry. Okay. I understand that, Chief. Thank you, Chair. My time's up, I have no further questions.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Jakubczak. I just was wondering, you know, sometimes it's like adding insult to injury, but if the folks get injured using illegal fireworks, or say their house catches on fire because they're storing illegal fireworks, do they still get cited on...on those cases where they've had a pretty big consequence for having illegal fireworks or lighting illegal fireworks? Does...does the legal consequence still follow through in all those cases?

MR. JAKUBCZAK: They can. I think a lot depends on what type of evidence we would have. If...if...for instance, if a house caught on fire, unless someone saw them light the fireworks or...or the fireworks they lit caused a fire, we'd be hard pressed make a case against them. But...

COUNCILMEMBER PALTIN: Oh, I mean more like their house caught on fire and they were storing illegal fireworks, and then they started going off . . . *(timer sounds)* . . . all in the...

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MR. JAKUBCZAK: Yeah, we would make a case, and it would be up to the prosecutors whether or not to follow through with the prosecution in that case.

COUNCILMEMBER PALTIN: And in those cases, like say you don't...I'm assuming that bell wasn't my bell, right?

CHAIR MOLINA: Yeah, it was your bell, but --

COUNCILMEMBER PALTIN: Oh...

CHAIR MOLINA: -- it's (*audio interference*) No, no, go ahead. A quick question, just make it fast. I'll grant you some leeway since we're moving along pretty fast.

COUNCILMEMBER PALTIN: Oh, thank you.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER PALTIN: I just was wondering if you ever...like if those folks don't get prosecuted, do you try to press them where they got it from, like you know, informant or anything?

MR. JAKUBCZAK: Well, part of the investigation of any fire or any type of case would lead to a question of...if the fireworks were involved, or a part of that investigation would be to where did you get the fireworks, or where did they come from.

COUNCILMEMBER PALTIN: And do...so do you feel the consequence is enough to leverage them to turn on...turn around on their source of the illegal fireworks, or it's not significant enough, they might go down with the ship?

MR. JAKUBCZAK: Well, each is their own unique set of circumstances. It's dependent on the person themselves, whether or not they would want to tell us where they got the fireworks, or who they got it from.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Let's go back to Vice-Chair Rawlins-Fernandez. Proceed with your line of questions for Chief. Chief, I got to ask you the official home country pronunciation, is it Jakubczak? I mean, you have a wonderful last name.

MR. JAKUBCZAK: Jakubczak.

CHAIR MOLINA: Jakubczak. Okay. All right. Questions for Chief Jakubczak?

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. All right. So I guess since we have one minute, my question is, what is the biggest problem with enforcement of the existing fireworks prohibition laws?

MR. JAKUBCZAK: Well, just my opinion is there's so many...so many areas. You can...if you took an aerial of the island, I'm just...I'm just talking about Maui now, you would see a bunch of fireworks in every community. I only have so many officers available, so they're trying their best to go and hit the main sources or locations of these aerials. And we've...had made progress in the last few years as far as the number of citations, arrests, and seizures of fireworks that we...we've had. But again, it's just the numbers, a number's game.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So the San Bernardino app, it looks like it focuses on anonymity. Is anonymity an issue with enforcement here?
...*(timer sounds)*...

MR. JAKUBCZAK: Only if it comes to prosecution and identifying the person or persons who light the fireworks. So again, whether it's through an app or through the phone, if we get to...called to a scene and we get there and the fireworks already went off, we get to a residence and there's no one there, there's not much we can do whether it's through app or through a phone call. We'd have to have a witness if we're not there.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chief Jakubczak. I have more questions, Chair.

CHAIR MOLINA: Member Rawlins-Fernandez, I'll go ahead...if you got another question, quick or question or two, I'll let you go. I allowed that from Member Paltin, so go ahead. This is a very interesting discussion and some very good questions being asked. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Mahalo, Chair. Okay. So the question that I asked in my first round was regarding the...the part of enforcement where an officer would need to actually see someone lighting...so the officer need to see the lighting of the firework, or would a witness seeing someone lighting the firework also be sufficient?

MR. JAKUBCZAK: A witness will be sufficient as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. But for the most part, witnesses are...don't really come forward?

MR. JAKUBCZAK: It's difficult for witnesses. And like was mentioned earlier, being a neighbor, that's hard for the neighbors to...they might not condone the actions, but again, they've got to live with these...their neighbors going forward, so it would be very difficult. But it has happened in the past.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So I understand that one of the big problems is that it's so pervasive at this point. And so it'll...it'll take some time, but some Members have proposed increasing the penalty. Is that something that you feel would help as a deterrent?

MR. JAKUBCZAK: Any time you hit somebody in the pocketbook, that's going to hurt. And whatever else can be done from other agencies...and what I'm talking about is what has been mentioned earlier about where the fireworks come into. So it's a...it's a multiprong solution to this problem is that it can't just be officers, police responding to calls for service, it's got to be community, it's got to be other agencies to help prevent this, or at least bring it down a little bit from what it is right now.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. But even if the penalty was increased, the problem is still the prosecution piece of it, right? Like actually seeing someone or having a witness --

MR. JAKUBCZAK: Right. It's to get --

VICE-CHAIR RAWLINS-FERNANDEZ: -- *(audio interference)*

MR. JAKUBCZAK: -- someone in court, that if this thing does go to court, to testify that they saw their neighbor or someone light the firework, and the result of that firework.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. JAKUBCZAK: Again --

VICE-CHAIR RAWLINS-FERNANDEZ: And so...

MR. JAKUBCZAK: -- video helps out a lot for us.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So then the...my last question then, because it...the liability falls on the person lighting the firework; is that correct?

MR. JAKUBCZAK: I would think so, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Does the liability also fall with the owners of the property?

MR. JAKUBCZAK: Where the fireworks are being lit? I would say so as well, yes. It's some...similar I would think to like drunk driving where someone's drinking at someone's house and they leave, how much responsibility or...is to that owner of that property or vehicle.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So but are you sure, like it's...you've prosecuted a property owner...

MR. JAKUBCZAK: I have not heard of the property owner yet in this case, but I would not be surprised that the prosecutors could hold that property owner responsible for allowing fireworks on their property...or to be lit on their property.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So then my last question is would an amendment or...not an amendment to statute because Council has...has power under the statute to create its own laws to supplement the State statute via ordinance. So if there was a piece like the social host liability to fireworks, do you think that would be something that would be effective in...as a deterrent?

MR. JAKUBCZAK: I think that would be definitely another tool to be utilized in...in this...the response to illegal fireworks where it holds maybe not the person lighting the fireworks, but the person who's hosting, let's say a gathering at their residence, and allowing for such fireworks to be lit on their property.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chief Jakubczak. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Thank you for bringing that comparison with the social host and how we could apply any type of additional legislation to curb the use of illegal fireworks. It's a very interesting observation and question. Chief, before we close here, two...couple of quick questions. Theoretically Chair Lee invites me to her house to celebrate New Year's. And clock strikes midnight, I decide to bring my gun and start firing in the air a couple of shots, not at anyone or anything. Is that illegal?

MR. JAKUBCZAK: Yes, it is. It's reckless endangering.

CHAIR MOLINA: Okay. Yeah, because I had someone ask me about that, you know, so just thought I'd ask that. And if anyone wants to appeal a fine, say you get subjected to illegal fireworks, much like with traffic tickets, you...I guess you go to traffic court. Is there any specific court that would address any appeals?

MR. JAKUBCZAK: I believe District Court, they would...they're given a court date where they could appeal the citation they were...they received, and that they can make their case as far as why they believe they should not be held responsible (*audio interference*)

CHAIR MOLINA: Okay. Thank you very much for your responses. Members, any...any one...one last...anyone who has not asked a question for the last round, anything for Chief Jakubczak before we close? Okay. Okay. One quick question. Vice-Chair Rawlins-Fernandez, go ahead.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, quick question. So Chief Jakubczak, if...when you're enforcing, so there's the HRS 134, and then our County Code requires a permit for aerial fireworks. If you're writing a citation, are those the only two laws that you cite?

MR. JAKUBCZAK: It depends on what other laws or...that may have been breached or have been violated. We would cite for any...I wouldn't say any and all. We may look to cite for several different violations that occur, whether it's HRS or the Maui County Code that pertains to a specific incident. As an example, if there's other people involved, we talked about reckless endangering or other types of cases that may be inclusive, but it depends upon the individual incident itself of what the officers are investigating.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So specific to fireworks, the illegal use of fireworks?

MR. JAKUBCZAK: Oh, yeah. Whatever is in the books on the HRS and Maui County Code, we would add...add those to our investigation, and either cite or at least make the case and refer it to the Prosecutor's Office.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. All right. Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Okay. Members, we will close this matter here for today. Chair's going to recommend a motion to file County Communications No. 21-40 and 21-225. Is there a motion?

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: So moved. Second.

CHAIR MOLINA: Okay. Moved by Member Sugimura, seconded by Member Kama. Any discussion? Chair Lee, any thoughts as the introducer of this matter?

COUNCILMEMBER LEE: Well, I was thinking of coming back with a draft ordinance, but we could do...do that in a new communication.

CHAIR MOLINA: That would be excellent. Thank you. Anything else? Any discussion as it relates to the motion to file? Okay. Before we close, I'd like to thank --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: -- Chief Jakubczak, as well as Captain Otsubo from the Fire Department. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. So in line with Chair Lee's question, is there...is there a reason that you want to file GREAT-29 and not leave it

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open? The initial communication that came from Chair Lee was I'm placing the matter of...relating to illegal fireworks on the next Council meeting agenda. So if we left that one open, Chair Lee's legislation could be directly referred to your Committee instead of going through Council.

CHAIR MOLINA: Okay. We can do that as well. I'm open to that. But any objections to 21-40 being filed? We can leave 21-225, that communication. And if it makes it quicker and faster, especially as we're...you know, we're approaching another time of year where we're doing fireworks, I'm amendable to that. So what I'll do, as the maker of the motions then, friendly amendment, we'll withdraw the filing of County Communication 21-225 --

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: -- if there are no objections to that? Okay. So the motion on the floor is just to file 21-40. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. 224...I'm sorry, 225 is the communication that has the San Bernardino --

CHAIR MOLINA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- *(audio interference)* It's 21-40 that's the general subject matter communication.

CHAIR MOLINA: Okay. We'll leave the 21-40...we'll...we'll remove that from the motion then. Yeah. So we'll file 21-225, yeah. Thank you for that clarification. So filing is of 21-225, and we will leave 21-40 under GREAT-29. Members, everybody understand? Okay. Seeing no other comments or questions on the motion to file 21-225...let's see, Member Paltin, you have a...oh, you're just ready to vote. Okay. Chair will call for the vote.

COUNCILMEMBER PALTIN: Sorry, the postman was waving at me.

CHAIR MOLINA: Oh, okay. All right. Well, the motion on the floor is to file County Communication 21-225. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All those opposed? Okay. Thank you. Chair will mark unanimous, nine "ayes," zero opposition.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: FILING OF COUNTY COMMUNICATION 21-225.

CHAIR MOLINA: And we look forward to the proposed legislation that will come to us soon, and we'll try to get that into Committee as soon as possible to have that matter addressed when it does come to us. So I believe this is it for our agenda today. Chair would like to thank Chief Jakubczak, and also Captain Otsubo, for your input on this very, very important matter. As well as Chair Lee for bringing this matter to the Committee's attention, so. All right. My God, I think we've concluded our agenda. Mr. Leauanae or Ms. Espeleta, is there anything the Chair needs to be made aware of before we close?

MS. ESPELETA: There's nothing further, Mr. Chair.

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CHAIR MOLINA: Okay. Thank you very much for that. Chair would like to thank all of you Members for your participation as well as our hardworking Staff, and to Administration and to everyone else a party to our agenda here today. So the time is 10:47 a.m. It is Tuesday, June 1st, and don't forget we do have an APT meeting coming at 1:30 p.m. under the leadership of Mr. Sinenci. I believe we'll be addressing the Water Use and Development Plan today at 1:30 p.m. So with that said, Members, the GREAT Committee meeting for June 1st, 2021 is now adjourned. . . .(gavel). . .

ADJOURN: 10:47 a.m.

APPROVED BY:



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

great:min:210601

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 46 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 2nd day of July 2021, in Kula, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck