

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**
Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

August 3, 2021

CONVENE: 9:00 a.m.

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

EXCUSED: Councilmember Tasha Kama, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Shelly Espeleta, Supervising Legislative Analyst
David Raatz, Supervising Legislative Attorney
James Forrest, Legislative Attorney
Kasie Apo Takayama, Legislative Analyst
Pauline Martins, Committee Secretary
Kristeena Locke, Council Services Assistant Clerk

Ellen McKinley, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, 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
Stacey Moniz, Executive Assistant to Councilmember Johnson
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Ipo Mossman, Executive Assistant, Office of the Mayor
Moana M. Lutey, Corporation Counsel, Department of the
Corporation Counsel
Richelle Thomson, First Deputy Corporation Counsel, Department
of the Corporation Counsel
Peter Hanano, Deputy Corporation Counsel, Department of the
Corporation Counsel

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OTHERS: Margery Bronster, Esq., Bronster Fujichaku Robbins
Brandon Maka'awa'awa
Bruce Jacobs
Susan Watanabe
Kevin Morris
Plus (2) other people

PRESS: *Akakū Maui Community Television, Inc.*

CHAIR MOLINA: The GREAT Committee meeting for Tuesday, August 3, 2021, will now come to order. I'm Mike Molina, your Committee Chair, and meeting facilitator. Let's do a roll call this morning and let's start up with our illustrious Council Chair and maven of multi-cultural greetings. Chair Alice Lee, good morning.

COUNCILMEMBER LEE: Mr. Chairman, aluu, all the way from Greenland, and for the French in Greenland, bonjour, aluu.

CHAIR MOLINA: Aluu back to you, Chair Lee, and let's go to Committee Vice-Chair Keani Rawlins-Fernandez. Aloha and good morning and aluu.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Mai Moloka'i nui ahina and aluu, bonjour mes colleagues kākou.

CHAIR MOLINA: Wow. Well stated. I couldn't have said it any better. Back at you. Great job. Okay. Let's take a drive in our virtual car, head down to the South Side and check in on Councilmember Kelly King. Aluu and good morning.

COUNCILMEMBER KING: Aloha kakahiaka, ohayo gozaimasu, and aluu. And it just occurs to me that that actually almost has almost the same letters as our Chair's name. So maybe that's an official greeting for her. But also, for Member Paltin, bonjour.

CHAIR MOLINA: Hey, that's right. Bonjour. And speaking of which, let's go down to the West Side and check in on Member Paltin. Good morning and aluu.

COUNCILMEMBER PALTIN: Bonjour, aluu, aloha kakahiaka kākou.

CHAIR MOLINA: All right. Back at you. Boy, I tell you that when you take that trip to France, it's going to be an exhilarating experience. And you teach them Pidgin too, now, when you go there, okay. All righty. Let's now let's go out and take that long drive to Hāna. I know heavy traffic out there. Let's check in on Member Sinenci. Aloha and aluu, Member Sinenci.

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COUNCILMEMBER SINENCI: Aloha kākou, Chair, aluu, aloha kakahiaka, and bonjour le collègues.

CHAIR MOLINA: All right. Mahalo and aluu to you, Mr. Sinenci. And now, let's go back across the pond to the Island of Lānaʻi and check in on Councilmember Gabe Johnson. Aluu and good morning.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Councilmembers. Aluu to you as well, and aluu to all.

CHAIR MOLINA: All right. Back at you. Excused this morning is Member Sugimura. She'll be joining us shortly. And also Member Kama, and also if...for members of the public, if you have not heard, Member Kama is on leave right now. And we certainly want to keep her in our prayers and thoughts, and that she makes a speedy recovery, and she'll be back with us real soon on the County Council. Also joining us this morning, we have from Corporation Counsel, Mr. Gary Murai, also Ms. Moana Lutey, and Mr. Peter Hanano. And from the Office of the Mayor will be Ipo Mossman. And Committee Staff, our hard-working Staff: Shelly Espeleta, Supervising Legislative Analyst; Kasie Apo Takayama, Legislative Analyst; James Forrest, Legislative Attorney; Pauline Martins, Committee Secretary. And welcome to Council Services Assistant Clerk, Kristeena Locke. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19, and you can find that on the last page of the agenda for any information relating to meeting connectivity. We have three items on our agenda for today, Members. And we're going to start first with public testimony. And oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony can join the online meeting via the BlueJeans meeting link at [bluejeans.com 175115369](https://bluejeans.com/175115369), and testifiers wanting to provide audio testimony can participate via phone by dialing 1-408-915-6290 and entering the meeting code that I just mentioned to you. Written testimony is also highly encouraged by using the eComment link, which is listed for today's agenda on mauicounty.us/agendas. And instructions on how to submit testimony via eComment can also be found at the mauicounty.us/ecomment site. Oral testimony will be limited to three minutes per item, and if you're still testifying beyond that time, I'll kindly ask you to complete your testimony. Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. *Akakū* went offline for a bit, for about a minute, but they're back on again. So I guess we can keep going. And maybe Staff can check in with *Akakū* to see if we need to take a quick recess to reboot.

CHAIR MOLINA: Oh. Okay. Thank you. Thank you for that, Member Rawlins-Fernandez. Yeah. We'll...I guess if we need to do whatever we have to do to restate what I've just gone over, we'll certainly do that. So...okay. But anyway...so yeah, this is again the GREAT Committee meeting for Tuesday, August 3rd, 2021. And right now we're in the process of going over testimony rules. For those of you testifying, please state your first and last name, and if you are testifying on behalf of an organization or if you are a paid

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lobbyist, please inform the Committee of that. And please be mindful of using chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. And while others are testifying, please be courteous by turning off your video and muting your microphone while waiting for your turn to testify. And those of you who simply would like to just view the meeting without providing any testimony, you can turn on your telly to the *Akakū* Channel 53 or go on your computer, what have you...whatever technological gadget you have, you can just view it on Channel 53. And to remind Committee Members, Administration, and the public, please be patient if we run into any technological issues during the meeting. So I've said a mouthful. I'd like to proceed with oral testimony. Any objections, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So noted. Ms. Espeleta, please announce our first testifiers.

MS. ESPELETA: Chair, your first testifier is Brandon Maka'awa'awa for GREAT Item 19, followed by Bruce Jacobs for the same item.

CHAIR MOLINA: Okay. Good morning, Mr. Maka'awa'awa.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. MAKAWA'AWA: Good morning, Councilmember. Good morning, County. I asked our special counsel for Na Po'e Kokua to join us, Bruce Jacobs, on the hearing, and to kind of give you guys some background about what we're doing and our work. But you know, I appreciate everything the County has done for us in this matter of holding Bank of America accountable, especially this Committee, because I think it all started here. And you know, I provided everyone with some background information and some questions that I had. It hasn't been easy working with Bronster and Corp. Counsel, you know, over the past two years. And you know, it's just been a challenge for us. But we stuck to it. You know, two years later, we still here, back in this Committee, and you know, I just want to move this thing forward, because the commitment is still ongoing, the injustice is still ongoing, and if we cannot move forward with people that want to bring resolution to this and want to work for our community and our County, then I don't think we should be working with them, you know. I'll just kind of read briefly through the questions that I had. My first question was, why did the Bronster Fujichaku Robbins fail to pursue Rule 11 sanctions against Bank of America and ignore the Council's explicit request during the March 2nd, 2021 hearing of the GREAT Committee to seek attorneys' fees? Why did the Bronster firm fail to seek to work with Na Po'e Kokua and their counsel, Bruce Jacobs, after explicit requests from the Council that they do so? During the March 2nd, 2021 GREAT Committee hearing, Corp. Counsel Lutey stated that the Bronster firm had a complaint drafted, and that she would reach out to them to see when they might update the Council in executive session. It is now five months later. Why has the Bronster firm not reached out to the Council to discuss an update?

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As you know, communication between a lawyer and their client is necessary for the client to effectively participate in the representation. And in this case, the Council is the client. Why has there effectively been no communication with the Council regarding multiple requests that were made to its attorneys with regard to Bank of America? What has the Bronster firm done to investigate and pursue fraudulent foreclosures claims against Bank of America, which was in the original resolution? Why has Corp. Counsel withheld the Bronster's firm's invoices from public record after multiple requests for those documents have been made since the GREAT Committee on March 2nd, 2021? Could you provide the Council with a log of communications between Bank of America's lawyer-lobbyists, Starn and O'Toole? Please include the communications between . . .(timer sounds). . . Starn and O'Toole and Corp. Counsel on and including up to August 6, 2019, the day of the GREAT, the Governance, Ethics, Transparency Committee hearing on Bank of America. And also supply communications --

CHAIR MOLINA: You know, Mister...are you...are you...if you can wrap up your testimony, yeah?

MR. MAKĀ'AWA'AWA: Oh, okay. Yeah, no. That...that's all, Chair. That was my last question, so perfect. But yeah. That's all I wanted to state. Thank you.

CHAIR MOLINA: Okay. Mahalo, Mr. Maka'awa'awa. Let me check with the Committee if they have questions for you. I see Councilmember King. Question for Mr. Maka'awa'awa on his testimony?

COUNCILMEMBER KING: Thank you. I think we have a lot of questions, but I wanted to ask you if we could ask Mr. Maka'awa'awa to be a resource when we get to this item, as we did last time, and then unfortunately never got to the item. So you know, today it's on...it's on the agenda, and I think we're...we are going to definitely get to it. So if we can have that conversation...a deeper conversation with him when we get there. If you're willing to stay, Brandon?

MR. MAKĀ'AWA'AWA: Yes, I am.

CHAIR MOLINA: Okay. Members, any objections to having Mr. Maka'awa'awa remain as a resource for our agenda item?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So noted. And thank you, Mr. Maka'awa'awa, for spending the time. So as soon as we conclude our first agenda item, then we'll get to the agenda item that you're concerned with.

COUNCILMEMBER KING: Thank you, Chair.

MR. MAKĀ'AWA'AWA: I appreciate it. Thank you.

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CHAIR MOLINA: Okay. Thank you. All right. Seeing...what we'll do then...we'll hold off on any further question on Mr. Maka'awa'awa until we get to the item itself. So...all right. Let's go to our next testifier. Ms. Espeleta.

MS. ESPELETA: Chair, our next testifier is Bruce Jacobs for Item GREAT-19, followed by Susan Watanabe.

CHAIR MOLINA: Okay. Good morning, Mr. Jacobs. Mr. Bruce Jacobs, if you're on the call, please proceed with your testimony. It seems like we may be having some --

MR. JACOBS: Oh, oh. Yeah.

CHAIR MOLINA: -- technical difficulties. Let's do this. Let's come back to Mr. Jacobs, and then we'll go to our next testifier. Oh, I think...there he is right now. Okay. Good morning, Mr. Jacobs. Can you hear us okay? If you could unmute yourself. Mr. Jacobs, please unmute so we can hear you.

MR. JACOBS: How's that?

CHAIR MOLINA: There you go. Okay. Good morning, sir.

MR. JACOBS: Okay.

CHAIR MOLINA: Please proceed.

MR. JACOBS: Good morning. Good morning, everyone. Aloha, I guess, is the right way to say this. So I'm Bruce Jacobs. Na Po'e Kokua and I have been working together for years now, and we have been joined in a fight against Bank of America. And I can't tell you how much we appreciate the support that the Council's given to this cause and all...through what we've been going through. And I just wanted to update you on where we stand right now, because there's been some really good developments that have happened. For starters, we have now filed a whistleblower complaint to the SEC, putting them on notice of the issues that are going on here with the Hawaiian commitment and the fraudulent foreclosures. We have been reporting to the OCC, the top...leaders of that. If you could give me one second. I'm so sorry. I have children here. Give me one. Was that muted? I hope that was muted. Sorry. So we have been presenting to the OCC the issues that are going here at the very highest levels about the Hawaiian commitment and about the fraudulent foreclosures. And we have developed a strategy that we would like to implement, which is a class action RICO lawsuit against Bank of America for violating the OCC consent order about the Hawaiian commitment, and violating the OCC consent order about the fraudulent foreclosures. And I think that...I'm happy to announce that even here in Miami, I have now one judge who's already started criminal contempt proceedings against Bank of America for the fraudulent foreclosures that we're dealing with. I have another judge that ordered the

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bank's lawyers to explain why they didn't lack candor by not being honest in their arguments. And we just finished a hearing this morning where Bank of America's argument is well, we have a privilege to commit this fraud. And that is the only defense they have left to defraud, in my opinion. So it is a perfect time, especially now that the moratorium...foreclosure moratorium is lifting nationally, to take on Bank of America and bring them to the table with this fight. And I would just ask whatever support the Council can give...whatever you need from me, certainly, I'm willing to do anything I can, but whatever support that the Council can give...I have discussed that we looked at the possibility of the Council being a plaintiff in the RICO lawsuit. The problem is that there are prohibitions against municipalities being RICO plaintiffs. But Na Po'e Kokua, I believe, has a claim for the Hawaiian commitment being violated and for the failure to give the Native Hawaiian bank that Bank of America promised. I think that there is clear evidence of mail fraud, wire fraud, obstruction of justice, which is...the reason I wanted to come to Hawai'i so much is because the Hawaiian Supreme Court's already said that the fraudulent . . . *(timer sounds)*. . . foreclosures that I'm dealing with...one second.

CHAIR MOLINA: Mr. Jacobs, you can go ahead and conclude your testimony.

MR. JACOBS: The fraudulent foreclosures we're dealing with from Bank of America, Hawaiian Supreme Court has already said is wrongful, deceptive, and unfair. And the Ninth Circuit Court of Appeals, which will govern the Federal case, has already said that mail fraud, wire fraud, and obstruction of justice by a corporation and their lawyers is RICO. So with the proper political and...you know, all these things lining up perfectly, we might actually not just help the Native Hawaiians, but we might also do something to stop this wave of foreclosures that are coming out of the pandemic's lifting. So thank you very much. Mahalo.

CHAIR MOLINA: Mahalo. Thank you, Mr. Jacobs, for your testimony. Members, any questions or any need to clarify Mr. Jacob's testimony? Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. I do have a question, but I just wonder if we...if there's no objections, if we could ask Mr. Jacobs to also be a resource.

CHAIR MOLINA: Okay. Members, any objections to Mr. Jacobs as a resource? And Mr. Jacobs, your availability, are you wanting to stay with us for at least the next hour or so?

MR. JACOBS: Whatever you need. I'm not going anywhere.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: We'll give you a few minutes to spend with your kids in between.

MR. JACOBS: Thank you. Thank you very much.

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CHAIR MOLINA: Members, any objections to having Mr. Jacobs as a resource?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: No objections? Okay. So ordered. All right. Thank you, Mr. Jacobs. When we get to that committee item, then we'll go ahead and...if the Members have any questions, we'll definitely ask you, okay?

MR. JACOBS: No problem. Thanks so much.

CHAIR MOLINA: All right. Thank you. Okay. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Chair, your last two testifiers...I'm sorry. It's Mr. Kevin Morris, followed by the individual signed in with the last four digits 5644.

CHAIR MOLINA: Okay. Good morning, Mr. Morris. Kevin Morris, if you're on the call. Okay, it looks like Mr. Morris seems to have left the call.

MS. ESPELETA: Mister...yes, he did, Mr. Chair.

CHAIR MOLINA: Okay. Ms. Espeleta, go ahead and announce our next testifier.

MS. ESPELETA: The last individual is signed in under the last four digits 5644. And if they can press star four to unmute.

CHAIR MOLINA: Okay. Testifier 5644, you're on the call. Time for your...to give us your testimony. Testifier 5644. Going once, twice. Okay. I don't see 5644 coming onto the call. Ms. Espeleta, was that the last individual signed up for testimony?

MS. ESPELETA: Chair, Kevin Morris is rejoining the call as we speak.

CHAIR MOLINA: Okay. Mr. Morris, if you're on the call, please proceed with your testimony.

MS. ESPELETA: I apologize, Chair. He seems to be having technical difficulties. He just left the call.

CHAIR MOLINA: Oh, okay. All righty. With that said, Mr. Morris or anyone else, if you'd like to testify, you have the opportunity to send in your written comments at this point because we do have some agenda items that we need to address today. So at this point, seeing no one else signed up, Members, any objections to closing public or oral testimony for today?

MS. ESPELETA: Chair?

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CHAIR MOLINA: Ms. Espeleta.

MS. ESPELETA: Chair, I apologize. The individual signed in with the last four digits 5644 is unmuted and signed in twice.

CHAIR MOLINA: Okay. All righty. Testifier 5644, you're on the call now. Please proceed with your testimony and state your full name for the record. Testifier 5644. It seems like we're playing a cat and mouse game with some of our testifiers here today. All right. Last call for testifier 5644. If you're on the call and can hear us, please proceed with your testimony and state your full name for the record. Going once, going twice--it sounds like an auction here--three times. All right. Well, we're going to go ahead and close it if we are not able to connect. And as I stated earlier for Mr. Morris and testifier 5644, you have the opportunity to submit written testimony on any of our agenda items today. So Members, if there are no objections, Chair will close oral testimony, as well as accept any written testimony that may come in. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. All right. No objections to closing testimony. So ordered.

. . . END OF PUBLIC TESTIMONY . . .

GREAT-2(18) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES)

CHAIR MOLINA: All right. Members, let's go ahead and start with our agenda today. And our first agenda item is GREAT Item 2(18), and this relates to the appointment of Melissa Johnson to the Maui County Commission on Persons with Disabilities. And this term would be for...would expire March 31st, 2022, to fill a vacancy due to the resignation of Melody Uchimura. We have on the call from the Mayor's Office, Mr. Ipo Mossman, to give us a brief overview of the nominee. Good morning, Mr. Mossman.

MR. MOSSMAN: Good morning, Chair Mike Molina. Aluu, bonjour, aloha no, guys. Well, we'd like to introduce Ms. Melissa Johnson, a resident of Ha'ikū and Makawao, in your area, Chair. Presently, Melissa is on the...is the head of the Special Education Department at Baldwin High School. Her desire is to serve and advocate for the disabled. She's really very, very dedicated to this. Her application showcases her educational background, so I won't go through that. She is a volunteer of Hospice Maui presently, also Girl Scout leader in the community. With that being said, we'd love to welcome her to the Commission on Persons with Disabilities.

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CHAIR MOLINA: Thank you very much, Mr. Mossman. And I'm not sure if Ms. Johnson joined us today, but I think...I think school will be starting real soon, public school. And as you mentioned, Mr. Mossman, she --

MR. MOSSMAN: Chair Mike, you're absolutely right. She has her first day of school today, so she's preparing for that. And we did get a message from Council Services stating that, you know, her presence wasn't being asked for. So I talked to her this morning and said...I said, by all means, if we need her, I can get her.

CHAIR MOLINA: Okay. Thank you for that, Mr. Mossman. And yes, we did have just two Members that requested her presence, and the Chair's policy is four Members. But Members, you do have her contact information. That's available if you need to talk to her. I personally reviewed her application. You know, she seems more than qualified to serve on this Commission. Mr. Mossman, a quick question for you. So with her school responsibilities, would that pose a problem for her to be present at these meetings, which I believe are usually once a month and starts at 9:00 a.m., if I'm correct?

MR. MOSSMAN: Yes. You're absolutely right, Chair Mike. And...but, no, it should not. We talked about that, and she is so excited to get on the board. So we don't...we don't, you know, foresee any type of situation of not being able to do her attendance.

CHAIR MOLINA: Okay. Thank you, Mr. Mossman. I'll turn the floor over to the Members if they have questions for you about Ms. Johnson's nomination. Members, any questions for Mr. Mossman? Okay, we have Mr. Johnson. Proceed.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I also looked over her resume, and I just want to say that when I spent my time on the Commission on Persons with Disabilities, that was really an eye opening on how the systems work and how we can help. So after looking at her resume and...you know, I was a school teacher too, and same last name, no relation, but I thought, yeah, I just...some commonality, and I really appreciate that kind of gumption and, you know, people who are trying to help folks who need it the most. So I support this nomination. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Johnson. That's really interesting. I just realized that you both have the same last name, namesake, yeah. So...all right. Let's go to Committee Vice-Chair Rawlins-Fernandez. Questions for Mr. Mossman. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Mossman. Mahalo for being with us this morning and for choosing what looks like a very qualified candidate. You already responded to one of my questions, which is attendance, and it sounds like she shouldn't have any problems with attendance. Do you know if she's ever attended or reviewed the meeting minutes and is aware of the responsibilities of this Commission?

MR. MOSSMAN: Yes, Vice-Chair. We did...we sent out a...pretty much a preparation sheet to

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every one of our members. And on the preparation sheet, I do show them how to get onto the...on the boards to go through meetings and minutes, et cetera. And every one of them have. So during my conversation with Ms. Johnson, she is very well...I mean, ready and willing. Unfortunately, she can't be on the call, because she would be very excited to answer your questions for you. But yeah, we're looking for good things from her. Thank you.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Members, any other need to make inquiries about Ms. Johnson's nomination, get information from Mr. Mossman? Okay. Seeing none then, the Chair will then make a recommendation. Members, the Chair's recommendation is to adopt the proposed resolution approving the nomination of Melissa Johnson to the Maui County Commission on Persons with Disabilities for a term expiring on March 31st, 2022. Chair would entertain a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

CHAIR MOLINA: Okay. Motion made...motion made by Committee Vice-Chair Rawlins-Fernandez. Is there a second? Seconded by Councilmember Johnson. Any discussion? Seeing none, Chair will call for the vote. All those in favor of approving the nomination of Ms. Johnson, signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Those opposed? Okay. Seeing none, we have six ayes, three excusals. Member Paltin, we just missed the vote on you. Or would you...Members, any objections to...Member Paltin, are you in support of the vote, or...okay. Members, any objections to including Member Paltin's vote on the matter?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay, fine. The Chair will mark it seven ayes, two excusals, Member Sugimura and Member Kama.

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

EXC.: Councilmembers Kama and Sugimura.

ACTION: ADOPTION OF RESOLUTION TO APPROVE MELISSA JOHNSON TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES.

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CHAIR MOLINA: Okay. Thank you, Ms. Lutey. So at some point...how soon can you get us...get the Committee that information?

MS. LUTEY: I can get that to you by the end of today.

CHAIR MOLINA: Okay. Thank you. All righty. Let's go to Ms. Bronster. Oh, I'm sorry. We have a question for you, Ms. Lutey, from Member Paltin. Member Paltin, question for Ms. Lutey.

COUNCILMEMBER PALTIN: I just was wondering, was it us that requested a copy of the billing, or was it...you said you just received the copy...a request for a copy of the billing. I just was wondering who made that request.

MS. LUTEY: The request was sent to us from OCS, but the request was made by Ian Chan Hodges.

COUNCILMEMBER PALTIN: Oh, okay. And then...but you're going to make the billing available to us and Ian Chan Hodges? Oh, okay.

MS. LUTEY: Yes.

COUNCILMEMBER PALTIN: Sorry. Thank you.

MS. LUTEY: No problem.

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

COUNCILMEMBER KING: Yeah. Thank you, Chair. Ms. Lutey, what is the billing amount? What are we being billed? Give us an approximate --

MS. LUTEY: I believe it was \$93,000 currently left from the original 200,000.

COUNCILMEMBER KING: Okay. That was something that we had already discussed in the Committee? Okay. Thank you, Chair.

CHAIR MOLINA: Thank you, Member King. All right. Members, any other questions for Corporation Counsel Lutey before we go to Ms. Bronster to give us an update? Seeing none. Okay. Let's go to Ms. Bronster. Good morning. Thank you for joining us. And --

MS. BRONSTER: Good morning.

CHAIR MOLINA: And please, if you will, provide the Committee an update on the matter.

MS. BRONSTER: Sure. As the Committee knows, we have been very cautious about not giving information about this matter in open session. And the reason for that is that, as we

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have discussed in the past, are there issues that we have been asked to address. There was a lawsuit filed against the County based on the work that we had done, and we felt that it would be counter-productive to provide that information in open session. I can certainly give you a lot more information about the work that we've been doing, the communications that we've had with Ms. Lutey and her office, as well as the status of our investigations and our research. But as I said, it is...it is difficult when we are up against a...an extraordinarily well-funded entity, an entity that has...was recently reported, spent no less than \$75,000 on a lobbyist to make some outreach to the Governor's Office and to other Government entities, and who was undoubtedly waiting for us to give any information that could be used against the County once again. And so for those reasons, I would request that somebody make a motion for going into Executive Session so that I can openly and freely comment on a lot of these issues. The one thing I would say publicly is that Mr. Maka'awa'awa and Mr. Jacobs have given you a lot of information about what they're doing, and nothing that we are doing in any way will prevent them from proceeding. In fact, as Mr. Jacobs said, one of the early things that he had requested that the County do was join him in pursuing a RICO action, and a RICO action has a lot of benefits. There's a fee shifting, and there are other things that he can do with his clients. However, as I informed him at the very beginning, the County may not, according to the law, be a plaintiff in a RICO action. And so we naturally declined to participate because he's doing it, and apparently...I have not seen what he's doing in that regard, but you're not in a position to do that. So if he can go forward with a class action, with a RICO action, then any action that we're taking is not going to prevent him from doing so. And so I think that that is, you know, good news that he shared, and I wish him...wish him well in those...in those actions. So with that, as I said, some of the other questions that were asked, I'm happy to answer. I would like to do so in Executive Session, as I mentioned.

CHAIR MOLINA: Okay. Thank you so much, Ms. Bronster. Before we consider Executive Session, I'm going to ask the Members if they have any questions in open session. And Ms. Bronster, if you feel...depending on the question asked, if you feel it's something more appropriate for executive session, then please notify --

MS. LUTEY: Certainly.

CHAIR MOLINA: -- the Committee Chair of that. I see a couple of hands that went up. We'll start with Member Sinenci, followed by Member King, then Member Paltin. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah. I just wanted to ask Ms. Bronster, can you --

CHAIR MOLINA: Oh, Mr. Sinenci, can I...sorry to interrupt you for just a second. Members, I'm going to put you on a two-minute time clock in open...for any questions in open session, okay, just so we can keep things moving along. Let's restart the clock for Mr. Sinenci. Go ahead with your question in open session for Ms. Bronster.

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COUNCILMEMBER SINENCI: Yeah. I just...the legalese, Ms. Bronster. Can you clarify again, the RICO action one more time for me?

MS. BRONSTER: RICO is a statute, a Federal statute, that is called the Racketeering and...Racketeering Influenced Conspiracy Act...I'm sorry, Racketeering, Influence, and Corrupt Organizations Act. And basically, what it does is it allows certain groups who are involved in corrupt practices, as long as there is a conspiracy of more than one entity, to be charged, either criminally or civilly, with violating this Federal Act. And there are extreme penalties available, but it is a highly technical statute. And in order to pursue an entity, as I said, you have to have an organization of more than one entity, more than one person; it has to use...have a violation of Federal Law, so wiretapping, things of that nature; and it has a lot of other bells and whistles. So you know...and it's...and it's very strict. The courts make it very, very difficult to meet the thresholds, and it was originally set up decades and decades ago to go after...to go after the Mafia and other criminal enterprises. And then it was . . . *(timer sounds)* . . . expanded to allow people to use it civilly as well. So you can bring it civilly, but it is not something that the counties are allowed to bring.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Mr. Sinenci. Member King, questions for Ms. Bronster in open session.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Ms. Bronster. I might cut you off if I get the answer to my question because we only have two minutes here. But my first question is, have you filed for attorneys' fees as we requested from you, and if not, why not?

MS. BRONSTER: I would prefer to answer that in closed session.

COUNCILMEMBER KING: Okay. My other question is, are we on parallel paths with Mr. Jacobs and his client? And if we are...if we're asking for the same type of recovery, how would that work if we are both successful?

MS. BRONSTER: I could answer that much more freely if I...if Mr. Jacobs had provided me with copies of what he's done. But I have not seen a copy of his complaint, his class...his RICO claim, his class action, or his...or his submission to the OCC.

COUNCILMEMBER KING: Okay. But what I'm asking you is not...since we haven't added them on as clients, does that mean that we're on parallel paths? We're not working together?

MS. BRONSTER: We had suggested that he provide us with whatever information he has, and it has been a considerable period of time, and we have not heard from him. But we did --

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COUNCILMEMBER KING: Can you answer my question, though? Are we on parallel paths? You know, they're seeking damages, we're seeking damages.

MS. BRONSTER: They're different paths. They are parallel, but not overlapping. The County is not seeking damages for individuals, the County would be seeking damages for itself. To the extent that the County would be seeking a declaratory ruling...that was one of the things that was discussed, the declaration that they had not met their commitment, I believe that would likely be overlapping. But damages that the County would be seeking would be damages to the County.

COUNCILMEMBER KING: Okay. So like lost...property tax lost, like that? Okay. All right.

MS. BRONSTER: Yes.

COUNCILMEMBER KING: Well, I understand. So I...yeah. So I understand that. And then you . . . *(timer sounds)*. . . have reached out to Mr. Jacobs and have not gotten the information?

MS. BRONSTER: He had reached out to us, sort of at the beginning of our engagement, and he asked whether we could work together. He had raised a couple of areas that he thought might be fruitful for use to work together. Obviously, RICO was not one of them. But we did suggest to him that if he had specific instances of fraud that he believed had occurred within the County, that we would certainly want to know about that if he had such instances within his community and his client base. We also asked for information that he had and that he thought might help us, and we did not hear from him. We got copies of what he had done in Florida, but obviously that's a different case. But in terms of specifics to Hawai'i, we did not get any information about specific plaintiffs, specific cases, or --

CHAIR MOLINA: Okay. Miss...I think you've certainly answered that question from Member King. So I...so we need to move on to the next Member. Thank you, Member King. Let's go to Member Paltin, followed by Committee Vice-Chair Rawlins-Fernandez. Questions in open session for Ms. Bronster. Proceed.

COUNCILMEMBER PALTIN: Thank you. So I just want to try see if I know what you guys are talking about. So the other guy, Mr. Jacobs, is doing a RICO action in Florida that's separate?

MS. BRONSTER: If I understand correctly, he has a...an ongoing case against Bank of America in Florida. And that is separate from what he's doing in Hawai'i. And he also mentioned that he has filed a whistleblower complaint relating to the commitment, and he has presented to the OCC, and he has a strategy for a class action RICO lawsuit.

COUNCILMEMBER PALTIN: What is an OCC?

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MS. BRONSTER: Office of the Comptroller and Currency.

COUNCILMEMBER PALTIN: Okay. And the only thing that's connecting Florida to us over here is Bank of America is the same entity?

MS. BRONSTER: I believe it also has allegations of fraudulent foreclosures in Florida.

COUNCILMEMBER PALTIN: But not on Hawaiians...or --

MS. BRONSTER: No, not that we know of.

COUNCILMEMBER PALTIN: Okay. Thanks. Sorry, I'm just confused. That's all the questions I can...so --

CHAIR MOLINA: Thank you very much, Member Paltin. Let's go to Committee Vice-Chair Rawlins-Fernandez. Questions for Ms. Bronster in open session. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Bronster. Mahalo for being with us today. Okay. So my first question is regarding...follow up on Member King's question regarding attorneys' fees. At the March 2nd GREAT Committee meeting, we...well, I asked Corporation Counsel Lutey about it, and she said that she would follow up with you on this. Can you explain why this would need to be responded...this question would need to be responded to in executive session?

MS. BRONSTER: Because I think that...the legal implications of this, I think, would be something that you'd not want to talk about openly. I think that, as I said, Bank of America knowing about our strategies is probably not in the County's best interest. But I leave that to Ms. Lutey and to all of you. If the...the privilege and the confidentiality belongs to the County, not to me, but I try to be very careful about keeping things confidential. Once you know it, you may choose to disclose it, but that's up to the County.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And then my next question is for Mr. Maka'awa'awa, if he's still on. Aloha, Mr. Maka'awa'awa.

MR. MAKAWA'AWA: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR MOLINA: You know...Member Rawlins-Fernandez, let's do this...I just want to make sure...once we're done with the questions in open session for Ms. Bronster, then we can go to Mr. Maka'awa'awa and Mr. Jacobs for any questions in open session, okay? Members, any other need for open session questions for Ms. Bronster at this time? Okay. Seeing none. Okay. A request has been made from Vice-Chair Rawlins-

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Fernandez, a question in open session for one of our resource personnel, Mr. Maka'awa'awa. Proceed with your questions, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Are...is the clock reset?

CHAIR MOLINA: Yeah. Please restart the clock. Two minutes.

MS. ESPELETA: Yes, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Maka'awa'awa, for staying on as a resource. I just...I wanted to follow up with questions from you folks regarding Ms. Bronster's response that she's been waiting for information from you and your attorney, Na Po'e Kokua.

MR. MAKAWA'AWA: Yeah. I think, probably, Bruce might be able to answer that as well, but to this point, the last communication we had from Ms. Bronster was a kind of sharply-worded email to our attorney. I'm not sure if everybody recalls that, but you know, we've been trying to work with the Bronster firm for a while. They've asked for information. We've given them as much information as we can. Like Ms. Bronster is saying, we're very careful with what we share as well. And it's not just the County taking up a case, it's us taking up a case. Our cases are separate. We have never asked for the Bronster firm to join us in our RICO case. That's not an issue. We're going to do that. We want the County to be able to have all the tools to actually bring an action against Bank of America, and that's what we're worried about. There has been inaction. We don't know what's going on, you know, and if the County is going to spend \$200,000 for something, I think we should see some action. And quite frankly, the 93,000 that was taken out and already billed to the County, to me, is wrong. That action was to defend Maui County against a lawsuit. The original resolution where the 200,000 was put into was to take action against Bank of America. That 93,000 shouldn't have been billed to this resolution, to that 200,000. I objected to that early on. I don't know what happened, but you guys got charged, and that 93,000 got taken out of the 200,000, which it shouldn't have been. But any type of information we wanted to share with Bronster . . .*(timer sounds)*. . . that we could.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Maka'awa'awa. Mahalo, Chair.

MR. MAKAWA'AWA: Sorry for taking up the time. Aloha.

CHAIR MOLINA: No problem. Mahalo, Vice-Chair Rawlins-Fernandez. Let's go to Member Paltin. Questions for you, Mr. Maka'awa'awa.

COUNCILMEMBER PALTIN: Thank you, Chair. Sorry. I'm trying to figure it out still yet. But I just...when you said your RICO action, is that the Florida RICO action, or you're in where --

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MR. MAKAWA'AWA: No.

COUNCILMEMBER PALTIN: Na Po'e Kokua is involved in the Florida RICO action, or there's one here in Hawai'i?

MR. MAKAWA'AWA: Our lawyer is doing cases in Florida against Bank of America, but we're preparing a RICO action against Bank of America here in Hawai'i for fraudulent foreclosures, and also the failed commitment. Because our fraudulent foreclosures are --

COUNCILMEMBER PALTIN: But . . . *(inaudible)*. . .

MR. MAKAWA'AWA: What's that?

COUNCILMEMBER PALTIN: The RICO action in Hawai'i hasn't started yet?

MR. MAKAWA'AWA: No, we haven't filed yet. We could file it, but we've just taken our time to compile more information and stuff. But fraudulent foreclosures are happening here in Hawai'i. This...it's been...we've gathered the information that it's still occurring. And that was part of the original resolution, was to investigate that.

COUNCILMEMBER PALTIN: But we cannot be a part of a RICO thing because we're a County and only people can be, and organizations?

MR. MAKAWA'AWA: I believe so. Bruce Jacobs could probably answer that question better, but I believe so.

COUNCILMEMBER PALTIN: Okay. And then when Ms. Bronster was saying you can only bring a RICO action if there's multiple organizations, I'm not sure if that was multiple organizations bringing the action, or multiple organizations of Bank of America.

MR. MAKAWA'AWA: Again, I think you would probably have to...have to ask our attorney, Bruce Jacobs. But we're not trying to ask the County to join our RICO lawsuit. What we were trying to do was equip the County with as much information so that the County could file their own suit. And we wanted to work . . . *(timer sounds)*. . . a little closer together, but we weren't able to.

COUNCILMEMBER PALTIN: Okay.

MR. MAKAWA'AWA: Yeah, the County has a separate case, something totally different.

CHAIR MOLINA: Okay. Thank you very much for that question, Member Paltin. Members, any other questions in open session for Mr. Maka'awa'awa or Mr. Jacobs? Councilmember King, proceed.

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COUNCILMEMBER KING: Thank you, Chair. Thanks for hanging out, Brandon. I actually have a question for Mr. Jacobs.

MR. JACOBS: Yes.

CHAIR MOLINA: Go ahead, Mr. Jacobs...Member King, with your question.

COUNCILMEMBER KING: Okay. Aloha. Thank you for staying with us, Mr. Jacobs. You...when you testified earlier, you mentioned a whistleblower lawsuit. Can you explain what that is? Is there somebody who's being targeted because they called Bank of America out?

MR. JACOBS: So...concept like this, the whistleblower is a SEC Dodd-Frank opportunity that we took advantage of where you can report the fact that the Bank of America shareholders should know that they're engaged in this RICO conduct that would affect the Hawaiian commitment, as well as the fraudulent foreclosures. So that was one way of putting the new administration on notice, just like going to the OCC, you know, and objecting to the Bank's further expansion allowed us to put another notch in the door to block them and to force the Government to get involved. But the RICO case is really what we're...what ultimately we're doing is we're filing the case where 20 years ago there was a group of farmers in Hawai'i who lost their crops because of a product they bought from the DuPont company. And the chemical company destroyed --

COUNCILMEMBER KING: Okay. I don't think you need to go into all that detail. I just wondered if there was somebody who was --

MR. JACOBS: Sure.

COUNCILMEMBER KING: Because usually when you hear whistleblower, it's somebody who has some --

MR. JACOBS: No, no. We're bringing...we're bringing this action. We are essentially the whistleblowers, Na Po'e Kokua are the...is the whistleblower for the SEC --

COUNCILMEMBER KING: Oh, okay.

MR. JACOBS: And we're going to be doing everything --

COUNCILMEMBER KING: Okay. Okay. That clarifies it for me, thank you. The other question I had for you is, do you have a response to...it sounded like Ms. Bronster was saying that they had reached out to you and you hadn't responded?

MR. JACOBS: So honestly this year, I have always done everything I can to be as receptive and helpful to anyone who wants to join the fight against Bank of America. I did speak with the City of Miami. Their council was...we were trying to put together a...something

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that I could get the City of Maui...City of Miami to join the Maui Council . . .*(timer sounds)*. . . in doing the fight, but what happened was that...that's how I learned about the RICO not being for municipalities is from the City of Miami. Whenever Ms. Bronster has asked me...I've called her multiple times. She's never called me. I never got a request for any of my documents. I never was willing to offer my documents because it's kind of complicated and it wouldn't be helpful to someone anyway if they...unless they want to sit down with me and go through this. And that was clearly not something that she wanted to do. So that's why I never gave her anything. But I don't...it was never a chance...never a time where she asked me for something and I said no, I'm not willing to help.

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

CHAIR MOLINA: Thank you, Member King. Members, any other questions in open session for Mr. Maka'awa'awa or Mr. Jacobs? Okay. Seeing none. Well, Members, upon hearing the responses from Ms. Bronster and the recommendation to delve into your questions in Executive Session, and it's certainly understood there may be some sensitive matters that need to be discussed in executive session, the Chair is then going to entertain a motion to go into Executive Session based on Section 92-5(a)(4) of Hawai'i Revised Statutes to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the Council and the Committee. Floor is open for a motion for Executive Session --

COUNCILMEMBER LEE: So moved. So moved.

CHAIR MOLINA: Okay. Moved by Chair Lee. Is there a second? Okay second made by Member Paltin. And Members, as a reminder, we do need six votes to go into Executive Session. We have seven Members here present today. Any discussion on the motion to go into Executive Session? Okay. Seeing none, the Chair will call for the vote. All those in favor of Executive Session, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposed? Okay. Seeing none, we have seven ayes with two excusals, Member Sugimura and Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama and Sugimura.

MOTION CARRIED.

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

CHAIR MOLINA: Thank you for that vote, Members. I believe you all should have been sent a link for Executive Session. And for the record, again, Executive Session will be exclusive only to the Members and County personnel, and of course, Ms. Bronster. But we are not allowed to have our other resource personnel join us for the Executive Session. So just wanted to state that for the record. All right, Members. So we're going to go take a recess. It's ten...9:52. We'll commence in Executive Session at 10:00 a.m. So the GREAT Committee meeting for August 3rd, 2021 will be in recess until 10:00. So when you do open up, we will open up in Executive Session, okay? So with that being said, the meeting for today, Tuesday, August 20...excuse me, August 3rd, 2021 is now in recess until 10:00 a.m., and we'll reconvene in Executive Session at 10:00 a.m. Meeting in recess. . . .*(gavel)*. . .

RECESS: 9:53 a.m.

RECONVENE: 10:49 a.m.

CHAIR MOLINA: . . . *(gavel)*. . . The GREAT Committee meeting for Tuesday, August 3rd, 2021 has now convened back in open session. Members, our topic of discussion is GREAT Item 19 relating to the Bank of America's Commitment to Provide Mortgages for Native Hawaiians on Hawaiian Home Lands. Thank you for that discussion in Executive Session. Members, at this point, the Chair's...we do have a resolution to consider on the floor. Your Chair's recommendation at this point...I'm somewhat on the fence with acting on it today. I'm open to deferring it and bringing it back at a meeting in the near future. However, that's your Chair's recommendation. I'd like to just gauge your thoughts, Members, if there's a preference from the majority of you. If you'd like to act on the resolution today, I'm open to that. Members, any thoughts on your Chair's recommendation to consider deferring the matter? However, again, I'm open to also

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considering taking action on the resolution. Any thoughts? Chair Lee.

COUNCILMEMBER LEE: I'm not opposed to taking action today.

CHAIR MOLINA: Very good. Members, any other thoughts? So Members, if you are comfortable with moving forward with the resolution today, I'm open to that as well. Okay. Seeing none, then, all right. The Chair will then offer a recommendation to act on the proposed resolution, which is "URGING THE DEPARTMENT OF THE CORPORATION COUNSEL TO WORK WITH SPECIAL COUNSEL TO FILE LEGAL CLAIMS ON THE COUNTY'S BEHALF UNDER RESOLUTION 20-97." Is there a motion?

COUNCILMEMBER LEE: So moved.

CHAIR MOLINA: Okay. Moved by Chair Lee. Is there a second? Okay. Seconded by Member Paltin. All right. Members, discussion on the resolution? Seeing no discussion, then, Chair will call for the vote. Excuse me. Member King. Member King, you're muted.

COUNCILMEMBER KING: Yeah. I just unmuted myself. So urging them to meet...to work with special counsel, does that include Ms. Bronster and Mr. Jacobs, or is that just...I mean, it doesn't have a name on it. So what are we saying?

CHAIR MOLINA: Let me consult with Corporation Counsel. Can you respond to Member King's question? Ms. Lutey? Mr. Hanano? Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: In the first whereas clause, it has the name Bronster Fujichaku Robbins.

CHAIR MOLINA: I think, Member King, your question was also if it would include working with Mr. Jacobs. Is that what you're saying?

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Corporation Counsel Lutey, your thoughts?

MS. LUTEY: Thank you, Chair. I think that, as discussed by Ms. Bronster, we can reach out to Mr. Jacobs and have a discussion with him. And I think that will resolve, I think, some of the questions that Ms. King has.

COUNCILMEMBER KING: Well, is there any...is there any harm in urging Corp. Counsel to work with a special counsel, being...with Mr. Jacobs, as well?

MS. LUTEY: I think that, because the Bronster firm has been retained by this Council to address the issues involving Bank of America, that this needs to be sort of a three-part issue. Mr. Jacobs, from my understanding, is really more of a resource as opposed to our special counsel. Our special counsel is Bronster.

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COUNCILMEMBER KING: Is there any reason why you couldn't work with him as a resource?

MS. LUTEY: No.

COUNCILMEMBER KING: You know, and put this in there, because there seems to be a disconnect. At this point, we have two different versions of what's happening as far as communication.

MS. LUTEY: Well, I don't have any issues of you revising it to add Mr. Jacobs into this. However, you know, I...ultimately the decisions on how this is going to proceed would be with the Bronster firm. So that's just something we're going to need to work out with Margery and her firm, and using Mr. Jacobs as a resource.

COUNCILMEMBER KING: Isn't the ultimate decision on how we proceed ours, since we're the client? I mean, I understand she'll be making recommendations.

MS. LUTEY: Yes.

COUNCILMEMBER KING: Okay. So I guess that would be my...Chair, that would be my requested amendment to put into the first resolve, that the Council urges Department of Corporation Counsel to work with special counsel, as well as counsel Bruce Jacobs, to file legal claims.

CHAIR MOLINA: Okay. Okay. That is the proposed amendment from Member King to include Mr. Jacobs, as well as the Bronster Fujichaku Robbins firm to work on this case. Is there a second? Okay. Seconded by Member Sinenci. Discussion on the amendment. Chair Lee.

COUNCILMEMBER LEE: My only concern is that Mr. Jacobs doesn't have any expectation of compensation from the County. You know, conferring with him is one thing, but as long as he doesn't misunderstand the reason why we may have questions of him. That's all.

CHAIR MOLINA: So basically it's a cost --

COUNCILMEMBER LEE: Generally, my understanding is that attorneys don't work for free, but maybe this one will.

CHAIR MOLINA: Is he going to do this pro bono, then, I guess is your --

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: -- that's part of your question, yeah. I guess, Member King, as the maker of the amendment, your thoughts on that? Or shall we ask Mr. Jacobs what his --

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COUNCILMEMBER KING: Well, we can ask Mr. Jacobs if he'd be willing to work with our Corp. Counsel and special counsel in consultation, and if he has any expectations of compensation.

CHAIR MOLINA: So this is more just to exchange information, and not --

COUNCILMEMBER KING: Yeah. My thought is, let's just get...let's just get that on the table, that we expect, you know, all of these entities to be working together. Because if we all have the same goal of, you know, getting the promise fulfilled, then you know, it doesn't seem to be helpful to be at odds with each other.

CHAIR MOLINA: Um-hum. Okay. I'm just curious if Mr. Jacobs is on the line, I guess, his relationship with Na Po'e Kokua, is it based on that...should something be won in court, is this based on a contingency type of arrangement, or are you already receiving fees from Na Po'e Kokua? Mr. Jacobs, your thoughts on that.

MR. JACOBS: Yeah. So I have done everything that I've done from Na Po'e Kokua pro bono. I have...there is an understanding that there would be a contingency portion of this should we go forward, especially if there's a team that I'm working with. Some of the top like class action lawyers and RICO lawyers that I've been working with here in Florida that I would want to bring out with me to...so there will be an expectation at some point of a...but right now, I haven't asked for a dime from anyone. You know, the...we're both fighting Bank of America, and you know, I'm looking for any allies I can find.

CHAIR MOLINA: Okay. Thank you very much for your response, Mr. Jacobs.

COUNCILMEMBER KING: So would you have...Mr. Jacobs, would you have any issue if we put into our resolution that we urge the Department of Corporation Counsel to work with special counsel in consultation with your firm to...you know, to file these legal claims, and we don't have any intention at this point of compensating you?

MR. JACOBS: It would be an honor to be asked to help. You know, the work that I've seen Na Po'e Kokua doing has been, you know, meaningful to me. You know, I think that if we're able to eventually bring this to a head, you know, I, God willing, will be able to provide for my family too. But right now, I don't need compensation from anyone. I mean, Hashem will provide is what I say. We're going to get through this, you know...it's not...it would certainly be great to have a bunch of money coming my way, but I'm not going to demand anything of anyone. I mean, you know, if you guys decide that you want to help me, please do. If not, I'm happy to help on my...do this without any compensation. Whatever you need.

COUNCILMEMBER KING: Mahalo, Mr. Jacobs. We really...we really appreciate that. And we appreciate your dedication to the end goal of satisfying these promises from years ago.

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CHAIR MOLINA: Okay. Thank you very much, Member King, for that question. Members, any other discussion on the proposed amendment from Member King to include Mr. Jacobs working in consultation with the County, as well as the Bronster Fujichaku Robbins? Okay. Seeing no other discussion on the amendment to the resolution. All those in favor, signify by raising...by saying "aye" and raising your hand. The amendment.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. We have seven ayes.

COUNCILMEMBER LEE: With reservations.

CHAIR MOLINA: Okay. Chair Lee has stated reservations...to support, but with reservations. Okay. We'll note that for the record. So we have seven ayes with two excusals, Member Sugimura and Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama and Sugimura.

MOTION CARRIED.

ACTION: AMEND RESOLUTION.

CHAIR MOLINA: Okay. We're back to the main motion as amended. Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm supportive of the main motion to recommend adoption of the resolution. I guess I'm not super clear on what it is that we are hoping to achieve with the resolution. Are we asking the Bronster firm to do the job that we hired them to do?

CHAIR MOLINA: Would you like me to answer, give my thoughts? Or shall I turn it over to

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Corporation Counsel for a more detailed description of what they seek from the Bronster Fujichaku Robbins firm?

VICE-CHAIR RAWLINS-FERNANDEZ: How about both? Your initial thoughts, and Corporations Counsel's.

CHAIR MOLINA: Yeah. I guess, my thoughts...you know, I guess it seems pretty clear cut and dry to me. I'm supportive of urging our Corporation Counsel to continue their work with the Bronster firm, as well as the inclusion of Mr. Jacobs as a...I would assume, more as a resource, resource capacity, at this point. Corporation Counsel Lutey, your thoughts to Vice-Chair Rawlins-Fernandez's question.

MS. LUTEY: Thank you, Chair. Thank you, Vice-Chair Rawlins-Fernandez. Yeah. I think that the goal here is to have the Bronster firm move towards getting us to a position where we can have a discussion over what a complaint might look like in this case, and in doing so, work with the Bruce Jacobs firm.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Any other discussion on the motion as amended before the Chair calls for the vote? All right. Chair will call for the vote. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition or any reservations? Okay. Seeing none, the Chair will mark it seven ayes, with two excusals, Member Sugimura and Member Kama. The resolution passes, and will be addressed at a future Council meeting.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama and Sugimura.

MOTION CARRIED.

ACTION: ADOPTION OF REVISED RESOLUTION.

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CHAIR MOLINA: I want to thank everyone for their participation in this very important matter, and Members, for your hard work, as well as the comments from Ms. Bronster, Mr. Jacobs, and Mr. Maka'awa'awa, and OCS Staff. So thank you very much.

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

CHAIR MOLINA: All right. Members, we will now move on to our last item of the day, which is a big one, and the Chair does not anticipate, you know, finalizing this matter, which is, of course, the...we are addressing the Council Rules, amendments to the Rules. I have GREAT Item 6(1). Members, as you recall, the last time we addressed this was back in March. During that time, we had to deal with the budget and also some other matters related to this Committee, like the formation of the Solutions for Homeless Committee, and everything else that goes with this wonderful, heavy, loaded, and impacted Committee. We take on all kinds of stuff, but...I know it's been a while, but it's now finally come to a head where we need to get through the rules and all of the proposed amendments that's been made. Chair's intent is to discuss the remaining rule amendments that have been proposed. And the Chair would also like to state for the record that Council Rules do not have the force and effect of law, and there is no penalty in place when these rules are not followed. So furthermore, there's always the option, as we've seen recently, for the Council to waive the rules with a two-thirds vote. The last amendment to the Rules of the Council incorporated the use of a consent calendar, which is a new addition to the Council agenda, and has been in place for at least the last month of Council meetings. I have to extend my mahalo to our Vice-Chair, Keani Rawlins-Fernandez, for that consideration. And so with that said, at the last meeting we met back in March, we worked off of Chair's...first worked off of Chair Lee's ASF that was dated March 3rd, 2021. And that proposed amendment was to Rule 16 to specifically authorize Chairs to use the small board rules in the Robert's Rules, which allow for informality. And just recapping, Chair Lee withdrew her proposal relating to that proposed amendment, and instead the Committee considered an amendment from Vice-Chair Rawlins-Fernandez related to Rule 7(G). And in a nutshell, that amendment passed with a 9-0 vote. The ASF from Chair Lee contained three additional amendments, but the Committee decided that those could wait until after the budget session. And so we are here today to consider that part. And we also have received some new considerations from Vice-Chair Rawlins-Fernandez to consider, which...the new ones, I don't know if we'll be able to get to today. But you did also...Vice-Chair Rawlins-Fernandez, you did submit amendments back on March. So we'll try to get to that as well. So we'll start the...or continue with Chair Lee, with her recommendations, and then your Committee Chair had a couple. Councilmember Sugimura had one, but she's not here, so we'll not address that. And we'll try to move as fast as we can before we adjourn our meeting at 12:00. So Chair Lee, you have the floor.

COUNCILMEMBER LEE: Thank you, Mr. Chair. I'm going to defer to David Raatz from OCS, as a number of these proposals came from OCS, and I offered them on behalf of the

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Staff. So David, are you on the call?

CHAIR MOLINA: Mr. Raatz.

COUNCILMEMBER LEE: There you are. Ready?

MR. RAATZ: Yeah. Thank you, Chair Molina. I'm logged in in Mr. Forrest's office at the moment. And thank you, Chair Molina. Just a brief bit of background. As Chair Lee referenced, OCS Staff has assisted her with proposing a number of proposed rule changes. The process started actually at the start of last term...excuse me, at the start of this term. As we're working up to the 2021-23 term, we had Staff do a comprehensive review of all the rules, and we met with several Councilmembers, and there was kind of an omnibus proposal that was worked up. And it was deemed to be too substantial to be adopted at the start of the term in one fell swoop. So that's one reason this item got referred to Committee in the first place is so that the Committee would have a chance to dive into some of those proposals at the appropriate time. And subsequently, we've looked at a few piecemeal proposals on behalf of Chair Lee and, really, the Legislative Branch. One issue that has come up is the allowance under Robert's Rules of Order for more informality, for what's deemed in Robert's to be "small boards." And you know, we have seen...on numerous occasions, some of the formal elements of parliamentary procedure that are prescribed in Robert's are deemed unwieldy and overly formalistic at times. So there is a proposed rule amendment on Chair Lee's behalf that would put into the Rules an allowance for taking advantage of the informality allowed by Robert's for small boards. As it turns out, the Rules themselves, as they're currently adopted, do reference Robert's as your default for parliamentary procedure when the Rules are otherwise silent. And because Robert's itself allows for this informality for deliberative bodies of 12 or fewer members, you already have that authority. So you wouldn't necessarily even need to incorporate this provision into your Rules because by referencing Robert's, you already have the ability to proceed with informality. Some of the informal elements that are allowed under this provision: motions don't have to be seconded, you can have discussion without a motion on the floor, there can even be allowances for action by unanimous consent without a motion. So...and again, some of those elements, the body, or various Committees at different times may already employ. But through this proposal, we just...we wanted to point out that that element is in the Robert's Rules of Order. So with that, Chair, I'll turn it back to you for any further questions. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Raatz. And Members, in your Granicus, I presume we'll be working off of Chair Lee's March 3rd transmittal for any additional insight you may want on Chair Lee's proposal. So with that said, Chair Lee, your thoughts on these considerations? So it sounds like Mr. Raatz said we don't need to, I guess, include these small board --

COUNCILMEMBER LEE: It...our...I did that on behalf of the group, the Staff. So it's up to...you know, it's not earth shattering. It doesn't have to be passed. It was a consideration that

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Staff members...it's their input into this proposal. So it's really up to this group whether you want to, you know, accept those proposals or not.

CHAIR MOLINA: Thank you, Chair Lee. Members, any thoughts? I for one...I'll just say, I'm fine with leaving things the way it is. If we don't need to include it, then we don't need to. However, that's just my feeling. Briefly, Members, your thoughts. Member King.

COUNCILMEMBER KING: I support you, Chair. I think, you know, if we don't have to add these, then let's not do it, because they already apply. We're already, I guess, considered a small board or --

CHAIR MOLINA: Okay. Thank you, Member King. Chair Lee.

COUNCILMEMBER LEE: And I have to agree with that too, because, you know, as I've told all of you before, the idea is not to add to your agendas, it's to reduce your agendas and streamline...whether it's your master agenda or Rules, any rules or...more rules to a high degree is just making things a little harder for operations. So you know, it's like, it'd be ideal if you...for every rule you added, you delete one. Thanks.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I agree with you, but I feel like...so I feel like I did those things that Mr. Raatz was saying, and I just was going to check in with the Analysts or Mr. Raatz if that made it more difficult. Like discussing without the motion or not needing a second, or making decisions by consensus. I feel like I did all of those things already in the--or not me, but us--did that with the West Maui Community Plan document, and I just wanted to inquire if that was okay with them, like it didn't make things more difficult by following those.

CHAIR MOLINA: Okay. Maybe, let's ask Mr. Raatz. A response to Member Paltin's question?

MR. RAATZ: Thank you, Chair, and Councilmember Paltin. And those huge legislative projects, like a community plan update, the annual budget, those do pose certain parliamentary challenges. And I think, you know, we're kind of constantly trying to work with Committee Chairs to re-evaluate what's most efficient for the body. And it also allows us to fulfill Sunshine Law responsibilities. For instance, in our minutes, we need to record every vote. So we need to be clear exactly when a vote is taking place and what's being voted upon. But there's no point, really, in being overly rigid if it's just going to slow you down and not fulfill any public purpose. So you know, on that particular process, I think, you know, we'll probably consult with you on some things you might want to alter a little bit as you...if you take up another community plan amendment or another project like that this term. But overall, I think we found that informality workable and appropriate. Thank you, Chair.

COUNCILMEMBER PALTIN: Okay. So not overly burdensome, but if it's a big project, we can

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like make it a little bit better.

MR. RAATZ: Yes. Thank you.

COUNCILMEMBER PALTIN: Okay. Thanks for letting me reiterate it in layman.

CHAIR MOLINA: Well stated, Member Paltin. All right, Members. So is there a consensus, then, to not include or consider this proposed amendment to the Rules by Chair Lee, then? We'll just leave it out. Okay. Very good. Consensus. Staff, is it appropriate for us to vote on this, or just...we can just do it as a friendly consensus vote? Just want to make sure we're not doing anything...I don't want to say inappropriate, but if it's to formalize things by taking an actual vote. Or just...should we just withdraw...have Chair Lee just withdraw the consideration? Mr. Raatz.

MR. RAATZ: I can jump in, Chair Lee...excuse me, Chair Molina. There's no need to take a vote at the moment. Thank you.

CHAIR MOLINA: Okay. All right. Moving on. Members, again, looking at the Granicus, if you prefer, again, dated March 3rd from Chair Lee. Starting with Page 3, an amendment to Rule 18 to specify that County officials and employees do not need to be designated as resource persons. The Chair's understanding is that guidelines relating to this matter were discussed at a recent Chair's Meeting, if you recall, and it was decided that this was to be left up to the Chair of each Committee to decide whether they wanted to name County officials as resource personnel or not. Chair Lee, your thoughts first.

COUNCILMEMBER LEE: Again, I...you know, we've discussed this a number of times, and so I still prefer to leave this option up to the Committee Chair, you know. And so...but it's up to the body, how do...how they feel about this.

CHAIR MOLINA: Okay. Thank you, Chair Lee. So I guess, basically, as I understand what you're saying, just...we can go with how we've been doing it all along with nothing formalized in the Rules and just based off of the Chair's Meeting, we just leave it up to the Committee Chairs to designate their resource personnel.

COUNCILMEMBER LEE: Let me clarify that that's my personal feeling, but this was brought to my attention by another Councilmember. So if that other Councilmember wants to expound on it, that's fine with me.

CHAIR MOLINA: Okay. The floor is open for whoever proposed that suggestion. Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. I don't know if I...I didn't...I don't remember proposing a suggestion. I remember just asking the question, why do we have to designate, you know, Department people as resources, because we never did that before, and somehow it started appearing in my notes in the last couple of months. So I'm not

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sure if Chair Lee's talking about me bringing it up, but I was just confused about why all of a sudden we had to do that. But I think it's good if we just leave it up to each Councilmember. I'm happy with that. Each Committee Chair, I mean.

CHAIR MOLINA: Chair is in agreement with you, Member King. Members, any other thoughts on this? Okay. So...oh, yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Sorry, Chair. Really quick, you know, when I was reading about this, the first thing that came to my mind was the epic Staff that we all have, right. We've got great Staff, and a lot of our Staff do more than one job. So sometimes they might be a resource for something else. And I just want to clarify and make sure that this includes our Staff as well. You know, when you call it County workers or County officials, it's not only the Departments, but it's like, you know, my EAs and folks like that who have more than one job and more than one area of expertise. So that's all I was just concerned with.

CHAIR MOLINA: Okay. Mr. Johnson, let me ask Mr. Raatz for, I guess, an interpretation of that. I guess we're all County employees, but how does this relate to having an EA, for example, be used as a resource? Any issues with that, if any, Mr. Raatz?

MR. RAATZ: Thank you, Chair Molina. Well, yeah. The rule references Government officials, without any qualification. And that's one reason that started to show up in meeting notes. We took a look at the literal reading of the Rules, and it does list Government officials as the type of person with expertise who should be designated as a resource person if they're communicating to the body outside of the testimony period. But as discussed, again, at the recent Chair's Meeting, that can be a little rigid, and it can seem strange to have a Department Director or somebody like that need to be designated as a resource person. So I think the move towards allowing each Committee to apply this rule as they see fit in different circumstances does make sense. And you know, the basic reason for the rule, if I...if I may, Chair Molina, just for brief background, this was something that OCS worked on with Corp. Counsel and OIP a number of terms ago, basically to allow that there's a process to ensure that certain designated experts, or people with specialized information, can appropriately communicate to the body outside of the testimony period. And it's not subverting the testimony principle under the Sunshine Law that everyone gets the same right to address the body. If you're designated in that special category of resource person, you can communicate beyond the testimony period, and you're not going to violate the Sunshine Law. So it's kind of an illustration of how...a lot of these rules are set up to try to ensure a sense of order and maintain compliance with the Sunshine Law and other applicable laws. The Rules themselves don't have any legal effect. We try to remind the Councilmembers of that from time to time. There's no penalty for violating your own rules. They're set up, really, for your own convenience. But complying with the Rules will, in some cases, help to ensure that you stay on the track with legal compliance. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Mr. Raatz. Okay. Does that satisfy your question,

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Mr. Johnson, the response from Mr. Raatz?

COUNCILMEMBER JOHNSON: Sure. Thank you.

CHAIR MOLINA: Okay. Chair Lee.

COUNCILMEMBER LEE: Thank you, Mr. Chair. I guess one of the things...one of the complaints I received in the past was the fact that EAs are testifying on certain things and, you know, is that really appropriate or not. So it was more on testimony as opposed to being a resource person, but I guess there is some...you know, some concern over our employees providing testimony. So my general feeling is that it's up to the Committee Chair to decide. I give a lot of latitude to Committee Chairs. To me, it's their Committee, they need to have the authority to make it work. So...but if there are...there's more than one person who's concerned about EAs testifying, then maybe we ought to consider a rule. If not, just one person, then, you know, maybe it's not necessary.

CHAIR MOLINA: Okay. Thank you very much, Chair Lee. I believe Member Paltin had a question. Proceed.

COUNCILMEMBER PALTIN: Thank you. So we're...what we would be doing is saying that only our workers couldn't testify, but County workers in general could testify, is that what you're saying? Like I mean, same thing, if we're making pretend we're in America, isn't there that freedom of expression thing?

CHAIR MOLINA: Yeah. If I could...before I ask Chair Lee...as I understand it, this would just be designating specific County employees as resource; am I correct? I mean, anybody is allowed to testify, County employee, Federal employee, and so forth. But this is just...the issue is just more the Committee Chair designating a County employee as a resource personnel. I guess the parameters would be the level of expertise. So for example, if your EA, Member Paltin, is an expert in a matter related to an agenda item and has the credentials, then I would assume so...I cannot see any objections towards that, irregardless of where this person is employed, or whom they're employed by. Chair Lee, would you like to add to that, respond to Member Paltin's question?

COUNCILMEMBER LEE: Yeah. You're right. You're absolutely right. I was just saying the genesis for the idea in the first place started with testimony, and then it went to being a resource person. But...

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER LEE: So that's how it started.

COUNCILMEMBER PALTIN: Okay. Thanks. I'm just kind of a fan of, you know, like freedom of speech. And if they're an expert, they're an expert, right? I mean, doesn't matter who

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they work for, they're still that same expert.

CHAIR MOLINA: I'm in agreement with you there, Member Paltin. Thank you. Chair Lee, response.

COUNCILMEMBER LEE: Let me be brutally honest here. There are times when you wonder because an EA is running for something, possibly is involved in some kind of political race. People wonder. So that's the reason why, because they have...they have so much access to information, plus the convenience of being a part of the organization. So that...the question does come up, yeah.

CHAIR MOLINA: Okay. Thank you, Chair Lee. And certainly, the Committee...although the Committee Chair could make a recommendation, the Committee ultimately has the final say if they want that person...if they're comfortable with having that person as a resource. So there is some leeway for the Committee to make a decision. Okay. If...I want to just end the discussion on this. So Members, we'll just...I guess we will not consider an amendment to Rule 18 at this point. We'll just leave everything status quo, as is, let the Committee Chair designate whomever they want as a resource personnel. So do I have consensus to move forward and not consider any amendments to Rule 18? Okay. So ordered. All right. Chair Lee, you have another consideration as it relates to Rule 22. Could you go ahead and expound on that?

COUNCILMEMBER LEE: I can't find my paperwork for some reason. It's...I don't know, misfiled, whatever. So can you go over it for me, please?

CHAIR MOLINA: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Chair Lee, would you like me to share my screen?

COUNCILMEMBER LEE: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Oh. Great idea.

COUNCILMEMBER LEE: I just needed a summary, but if you want to share your screen, go right ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: This one is regarding Council travel. It looks like it's to remove Rule 22.

COUNCILMEMBER LEE: Again, I'm...I have to apologize. A lot of proposals I offered on behalf of other people, and I'm sorry that the other people are not expounding on it.

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CHAIR MOLINA: Okay. Thank you, Chair Lee. Anyone willing to comment?

COUNCILMEMBER LEE: Did you say...did you say travel?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Yes.

COUNCILMEMBER LEE: And you have the consent calendar is intended to --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, that's the wrong one. Sorry.

COUNCILMEMBER LEE: Yeah, that's the wrong one.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: We're trying to...we're all trying to navigate through here looking at all these rule...proposed rule changes, so...

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

CHAIR MOLINA: So again, Members, off the March 3rd, 2021 document from Chair Lee.

COUNCILMEMBER LEE: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Repeal Rule 22, Council Travel. This rule does not relate to a parliamentary procedure. So it's just to remove this, and it's...Rule 22 reads: A, prior approval required. All expenditures from County Council, including the Office of Council Services and Office of County Clerk travel accounts, shall be subject to prior approval by the Council Chair or representative designated for such purpose. B, reporting requirements. The Council Chair shall require a report as the Chair deems appropriate from any officer or employee who expends public funds on off-island travel. Unless specifically required by the Chair, this requirement shall not apply to travel required to attend a meeting of the Council or a Committee of the Council, or travel required between Councilmember's residence and the County building, Wailuku.

CHAIR MOLINA: Okay. Chair Lee, your thoughts? I know many of us already do that, we provide a report if we go to a conference, but...Chair.

COUNCILMEMBER LEE: Yeah. As you can see, this came from OCS. And I'm sorry that OCS is not explaining their proposals. But that's to delete that, right?

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

MR. RAATZ: Thank you, Chair. I think the genesis behind this is that the Rules of the Council are really primarily designed for parliamentary procedure, and there's really no need to have this travel rule in the Rules of the Council. That's something that can be handled

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administratively.

COUNCILMEMBER LEE: So getting back to my original thought, I also support the idea of eliminating rules. So here's an example. But honestly, most of these didn't come from me. I have to credit the Office...OCS.

CHAIR MOLINA: Okay. We have questions on the floor. We have Member King, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Yeah. My question is, if that's...that is the rule though, that we have to seek approval, right? Or are you saying that we don't need approval for travel, we just make our own plans and travel?

CHAIR MOLINA: Chair Lee.

COUNCILMEMBER LEE: Okay. David, do you want to explain that, the reason why we're doing this?

COUNCILMEMBER KING: Is it written somewhere else?

CHAIR MOLINA: Mr. Raatz.

MR. RAATZ: Yeah. Thank you. There are internal Council policies that would still apply. This is not intended to change the functioning of travel and expenses related to that.

COUNCILMEMBER KING: Okay. But what document is it in then? Just so folks know what the procedure is.

MR. RAATZ: I don't have that handy. We could provide that to the Members, but I...it's something our support section works with on a daily basis with the Councilmembers' Offices.

COUNCILMEMBER KING: Okay. We just need to, you know...that...if we have a separate document with those kinds of rules, that would be nice to disseminate that to all Councilmembers.

COUNCILMEMBER LEE: Well, David, as a general rule, you know that I have...as the executive officer of the...presiding officer of the Legislative Branch, I have to sign every invoice. And no invoice is paid unless I sign it, so...right there. And that's not a requirement...that's not a Rule of the Council, that's a Rule of the County.

COUNCILMEMBER KING: Right, but where is that? Where are those rules? Just, you know, to be able to tell the general public, you know, that these are our procedures.

COUNCILMEMBER LEE: Well, David can find it in...you know, in the County's

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operation...standard operating procedures.

CHAIR MOLINA: Department of Finance? Procurement process and so forth.

COUNCILMEMBER LEE: Yeah. But believe me...

CHAIR MOLINA: Department of Finance.

COUNCILMEMBER LEE: Yes. And just for your information, I sign 2,000 documents a year.

COUNCILMEMBER KING: Yeah. No, I understand that, but I...but what my concern is, is eliminating that from the Council Rules or...is it...it could be perceived as okay, now we don't have to get those approvals. But we do, it's just written somewhere else in the Code or something. So we should...we should --

COUNCILMEMBER LEE: Right. And I'll ask David to provide that to all of you.

COUNCILMEMBER KING: Yeah. That'd be good. Okay.

COUNCILMEMBER LEE: Okay.

MR. RAATZ: And Chair Molina, just briefly, if I could, as mentioned in Chair Lee's ASF, requirements for Council travel are established by ordinance and Council Chair policy.

CHAIR MOLINA: Okay. Thank you for that. Vice-Chair Rawlins-Fernandez, you wanted to add your thoughts to the conversation. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I agree that this rule is in the wrong place. It should...I think we all agree that it's a good rule, but that it shouldn't be in the Council Rules. So with that said, I move to repeal Rule 22 on Council travel, as recommended by...on Chair Lee's ASF.

CHAIR MOLINA: Okay. Motion made by Vice-Chair Rawlins-Fernandez. Is there a second? Okay, second by Member Johnson. Discussion, further? Member Rawlins-Fernandez, the maker of the motion, do you have anything else to add?

VICE-CHAIR RAWLINS-FERNANDEZ: Nothing else to add.

CHAIR MOLINA: Okay. All right. Seeing no other discussion, Chair will call for the vote to delete Rule 22. All those in favor, signify by saying "aye" and raising your hand. All those opposed? Thank you. Chair will mark it seven ayes, two excusals, Member Sugimura and Member Kama.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Kama and Sugimura.**

MOTION CARRIED.

ACTION: REPEAL RULE 22.

CHAIR MOLINA: Very good. All right. Going on to the last consideration from Chair Lee, which relates to Rule 23. Chair Lee.

COUNCILMEMBER LEE: Okay. Since, David, you're on the call, can you explain that one too?

CHAIR MOLINA: Mr. Raatz.

MR. RAATZ: Thank you...thank you, Chair Lee and Chair Molina. This arose from our experience in the transition from the last Council term until the new Council term. We noticed that really, the process was unduly burdensome and confusing for all of us that were involved. So the proposal is to add that the Council, at its discretion, may refer pending items to the Council Chair for the next term. And it basically would say that instead of having items automatically referred, the Council would, at its discretion, refer matters over. We have a series of...as those who were on the Council last term will recall, when you chaired a Committee, your Staff would help you look at everything on your master agenda and designate certain items as auto-referred items or auto-filed items. And there's a lot of discretion and confusion about which category to put items into. So instead of having two categories, the suggestion here is to just handle all items the same way. If the Council wants to carry them over to the next term, then just go ahead and do that, and not have any other type of default action. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Mr. Raatz. Members, any other comments as it relates to Chair Lee's proposal for Rule 23? Chair Lee.

COUNCILMEMBER LEE: Okay. This is self-explanatory, but it is still an initiative of OCS because they find that by making this change, it'll be easier for them in terms of the transition. But again, it's really up to the Council how you want to handle this. And...but just think, again, that's why I keep stressing, please reduce your master

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agendas. Please don't leave it until the end of the calendar for somebody else to deal with. So this is what we're...you know, what we have at the end of the year. And if the master agenda is like voluminous, then it's just so much harder to deal with that. Okay. Thank you.

CHAIR MOLINA: Yeah. And so as I take it, this is more of a housekeeping proposal.

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: Members, your thoughts? Shall we take action on this? We'll go...Member King, followed by Member Paltin, and Vice-Chair Rawlins-Fernandez. Member King.

COUNCILMEMBER KING: Yeah. I'm just still trying to figure out how this is different. So David, right now, we would...we would designate the things that we want to carry over and everything else auto-files. So are you...I don't know what you're suggesting. I don't...or that's not quite right?

MR. RAATZ: We don't have a system where everything automatically files. There are...it's...in Chair Lee's ASF, there's a lengthy list of 12 different categories of legislation that will auto-refer, and that do auto-refer right now. So this would cut out all of those, and just say everything expires at the end of the term, unless you specifically designate something to carry over.

COUNCILMEMBER KING: Oh, okay. I thought that's the way it already was. Okay. So you're saying it hasn't been like that. We've...we have 12 categories of what we do with these items? Okay. I guess I've been missing ten of them then, because I just really deal with filing or referring. All right. Well, that's what I thought was happening anyway, so I'm in favor of it.

CHAIR MOLINA: Okay. Thank you, Member King. Who had...Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you. So if we don't refer it, then it files automatically. But what about the ones that have to...like my Planning Commission stuff. I can't...I wouldn't mind to have it file automatically, but that's kind of a waste of taxpayers' money if it already went through the Planning Commission and stuff. So what happens to those categories? Because it's the law, it goes automatically as well? I don't have to choose it?

CHAIR MOLINA: Mr. Raatz.

MR. RAATZ: Thank you, Chair Molina. If this rule were adopted, those items would auto-file. Unless you say you don't want to waste the effort, you've had Planning Commission meetings, you would probably want to carry that over to the next Council. And right now, the current rules are set up so that's one of the 12 items that are designated to auto-refer. But if this rule is adopted, you would have to take the time and say, yes,

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this is one we want to make a decision to refer it over. If you don't, then it would expire at the end of the term.

COUNCILMEMBER PALTIN: Wow. Okay. But some guys might get mad. I mean, I don't mind, but...because they don't...they don't plan things around the end of the term, they take them up as they come, right, the Planning Commission. So like, I kind of feel that's a lot of power for me to wield. I mean, I could do it, but I would...I don't know if I would trust everybody with that kind of power.

COUNCILMEMBER LEE: Mr. Chair.

CHAIR MOLINA: Go ahead, Chair Lee.

COUNCILMEMBER LEE: David, why don't you suggest an amendment, so that Members feel more comfortable, that one person doesn't have that kind of authority for those time-sensitive issues? Because what you're talking about, Member Paltin, are fairly few items, compared to the vast majority of...you know, abandoned vehicles in mango trees and, you know, things like that, you know, some far out types of topics that should be automatically filed. So David, can you offer an amendment that would cover those kinds of items that shouldn't be filed, that would be auto-referred, subject to the vote of the Council?

COUNCILMEMBER PALTIN: Yeah.

COUNCILMEMBER LEE: So that one category you're talking about, what is the name of that category?

MR. RAATZ: Chair Molina, if I may?

CHAIR MOLINA: Go ahead, Mr. Raatz.

MR. RAATZ: Yeah. So in the existing rules, that's under Rule 23(a)(4)--and this is a list of the types of items that would auto-refer--a bill for land use ordinance for which recommendations of the appropriate Planning Commission or Planning Commissions have been received, pursuant to Sections 8-8.4 or 8-8.6 of the Charter. So one...as the body's discussing, one alternative to deleting all 12 categories of automatically-referred items is to keep some of them, such as the land use ordinances that have been referred by a...reviewed by a Planning Commission.

COUNCILMEMBER PALTIN: I think that's probably the safer course. Although I...it'd be fun, I don't think it'd be prudent.

COUNCILMEMBER LEE: Another one, David, would be those up for second reading.

MR. RAATZ: Um-hum.

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COUNCILMEMBER LEE: Yeah.

MR. RAATZ: And that's in 23(a)(12), Chair Molina, of the current rules, a bill or resolution that has passed one of two required readings.

CHAIR MOLINA: Okay. All right. Thank you, Mr. Raatz. Any other discussion before I move forward with a recommendation? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Raatz, under this proposal, can another Member recommend referring any of the items from the master agendas that they are not a Chair of...on the Committee that they're not a Chair of?

MR. RAATZ: Chair Molina, if I may?

CHAIR MOLINA: Go ahead, Mr. Raatz.

MR. RAATZ: Yes, Vice-Chair. For instance, if there were an item pending on a Committee's master agenda that was set to be automatically filed because the term was about to end, but you wanted to carry it forward to the next term, you could post a communication on a Council Meeting agenda towards the end of the term, pull that out of Committee, and have the Council vote to, at its discretion, refer the item to the next term. So you can always override whatever default mechanism we have in place in the Rules for what happens to items at the end of a term.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Raatz. I move to amend Rule 23 to provide that pending Committee items are automatically filed at the end of the term, unless Council chooses to forward them to the new Council term.

CHAIR MOLINA: Okay. Motion made by Member Rawlins-Fernandez. Is there a second? Seconded by Member King. Additional discussion, Member Rawlins-Fernandez, on this proposal to amend?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think we have...so we have the discretion to move any of the items forward. The concern that Member Paltin shared about it...all that power, being in the hands of one person, I think has been addressed by pointing out that anyone on the Council would be able to refer an item that's on the PSLU master agenda. So that...we would all be holding each other, you know, accountable, and to just act as a second pair of eyes if there's something that we don't see or that we missed in referring to the next term. I think this process would be clearer for our OCS Staff to conduct for us. And I think also, with the PSLU master agenda, PSLU Chair Paltin made sure to put the date, the 180-day, 120-day Charter-mandated rules, incorporated into the master agenda. So we all know what those rules are, what those items are, under the Charter-mandated rules. So I think we'd be okay with the proposal. So I'll be supporting this motion. Mahalo, Chair.

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CHAIR MOLINA: Okay. Thank you very much. And I believe this concludes Chair Lee's proposals, or OCS's proposals. Members, we have about --

COUNCILMEMBER LEE: Was that only on the amendment? Mr. Chair, was that only on the amendment?

CHAIR MOLINA: That was the amendment from Member Rawlins-Fernandez that relates to Rule 23; am I correct?

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: Yeah.

COUNCILMEMBER LEE: Okay.

CHAIR MOLINA: Okay. All right. Members, we have about 15 minutes left before we close. I had sent out two letters for ASFs on January 13th and January 19th. I'm going to forego discussion on mine for this meeting. I'd like to yield the rest of the time. Member Sugimura's not here, so Member Rawlins-Fernandez submitted an ASF on March 9th. So Member Rawlins-Fernandez, would you like to go ahead and share some of your proposals with the time we have left?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: From March 9th. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Share my screen. It's not the March 9th one. I pulled it out because there's a lot. So I'll just take up the ones that I kind of pointed out in the last meetings. Okay. So this is Rule 7(G), and this is the rule for referral to Committee and report that we often waive. Okay. I'll make it bigger. Sorry. And this is in that document in Granicus, but I just took it out so that it's clear. Okay. So the proposed amendment is, one, the Council must refer bills or resolutions having the force and effect of law. And then there's an attached Exhibit A. It lists all the resolutions that have the force and effect of law. The standing Committee must receive the Committee's report prior to first reading or adoption, except for the resolutions approving the receipt of grants, bills proposing budget amendments, resolutions referring...proposing land use ordinances to the Planning Commission. And it would delete, at the end, the Council shall refer the matter to a standing Committee and shall receive the Committee's report prior to first reading or adoption provided that...so it just...it's not...that last sentence isn't deleted, it's just incorporated into the highlighted portion. And then the second is, matters referring...referred to a standing Committee must be considered exactly as referred without expanding or narrowing the scope of the referral. The Council may refer legislation to no more than one Committee at a time and allow the subject matter of that legislation to multiple Committees. And then the third, the Council may waive the requirements of this rule by a simple majority vote of the entire

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membership of the Council. A Councilmember who has requested a waiver of this rule must explain the reason for requesting...for the request during deliberation of the motion. So Chair, there are multiple components to this amendment to Rule 7(G). And so with your blessing, if we can take it up one portion at a time? And I'll share my screen again.

CHAIR MOLINA: Okay. Piecemeal it. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So the first would be, perhaps we can get an informal poll on if everyone...if there's any objections to not...to exempting resolutions for approving the receipt of grants from Rule 7(G), which is referral to Committee and report. Is there...are there --

CHAIR MOLINA: Members...so again, what is the...you're asking again, Member...just to clarify? So to exempt --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So at Council, when we receive a notification that we received a grant, oftentimes what I do as the Budget Chair, is I make a motion to waive Rule 7(G). And so if we add this exemption to receipt of grants, then I wouldn't need to waive Rule 7(G) in order to recognize the grant into the budget that we received.

CHAIR MOLINA: Okay. Members, are you clear on Member Rawlins-Fernandez's proposal? Comments, or do we have consensus? All right. I see, Member Paltin, you're okay.

COUNCILMEMBER KING: Consensus on that...on that section, right, on that first section?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, just the one.

COUNCILMEMBER KING: The one phrase.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Just the grants. And then the second part is bills proposing budget amendments. Are there any objections to that? Objection?

CHAIR MOLINA: Members, any objections?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Member King.

COUNCILMEMBER KING: Yeah. I...because budget amendments can be very small or they can be very large...so I would have a problem with just blanketly, you know, approving all budget amendments in Council. I mean, one of the budget amendments that we had recently that kind of needed a lot of discussion and Committee referral was adding the...the sale of, you know, the Maui News building. And so those kinds of things still fall under budget amendments, right?

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CHAIR MOLINA: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So all this would do is allow for us to not have to waive Rule 7(G) when we're taking up like a budget amendment that we can take up on the floor. For, you know, the significant budget amendments, I generally take it to Committee. I don't...I don't...it's the ones that are more routine that I--and everyone is aware of--that I take up on Council...in the Council.

CHAIR MOLINA: Yeah. So the less complex ones.

COUNCILMEMBER KING: No, I understand that, and I appreciate that, but it doesn't preclude somebody else from, you know, just moving things along. It's just...I don't like that whole...I mean, if it was like a certain category of budget amendment, I have no problem with it if it's simple. But it's also...you know, a lot of the budget amendments that we've been seeing, we've been seeing automatic budget...I mean, not automatic, but pretty early budget amendments after we just passed the budget. You know, the Administration's sending us...we just passed a budget, and now they're sending us amendments that are putting back things that we cut or changing things. And I just prefer to have those, you know, referred to Committee for discussion.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. I'm not...I don't super care about this one. So if there's objections, we don't have to vote on it. So there are objections, and I will remove that from my motion. Okay. The next one is resolutions referring proposing land use ordinances to the Planning Commission. And so that's the one we talked about, and Member King had requested that we take up as the resolution to send to the Planning Commission.

CHAIR MOLINA: Okay. Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: And again...and again, we would still have to vote on it. It would just mean that we wouldn't have to waive Rule 7(G). That's all.

COUNCILMEMBER KING: Yeah. Thank you, Chair. I support this. And it seems like since we first talked about this, every proposal to send something to the Planning Commission has been...you know, we've waived the rule and we've sent it on without going to Committee. So I would support it.

CHAIR MOLINA: And so this will just be deleting a step in the process that we typically use right now, yeah.

COUNCILMEMBER KING: Right.

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CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Just the 7(G) waiver.

COUNCILMEMBER KING: Kind of like what Member Paltin was talking about wasting taxpayers' money by sending it to Committee and then sending it to Planning Commission, then having it come back to Committee.

CHAIR MOLINA: Okay. Member Paltin, you...I thought I saw your hand go up on this. Your thoughts.

COUNCILMEMBER PALTIN: Yeah. I would prefer if we could add the word like simple or straightforward, or something that's easy. Like the one that I recall us not sending it straight to the Planning Commission was the zipline bill. And that was not at all simple, easy, or straightforward. And we had like, I think, two discussions to narrow the scope on what we wanted them to discuss. Because there is a lot of times too, where things that go to the Planning Commission and come back from the Planning Commission, we can't add on or change because it wasn't within the scope of things that they discussed. And so then, like, you know, if it's...if it's a simple, straightforward thing, yeah, let's do it. But if it's like something new, or something like we're trying to craft or create, I do see the benefit of discussing exactly what it is that we want the Planning Commission to weigh on...weigh in on before it coming back to us. So that's just my comments, and I would like to see like simple or straightforward added into there.

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

COUNCILMEMBER LEE: Well, what about the words, initial review?

CHAIR MOLINA: Member Paltin.

COUNCILMEMBER LEE: Simple is too arbitrary...I mean, you know, subjective. Because initial review means that they haven't seen it before, and it's only for review, as opposed to something that came...that we receive from them--let's say a special use permit or something like that--where they have more authority than us in some cases, or some SMA permit, or whatever. So initial review is they're going to see it for the first time, and it's only to review.

COUNCILMEMBER PALTIN: Yeah. I guess my point on that would be like, you know, in their initial review, if they don't review what it is we want to pass legislation on, then Corp. Counsel is going to like pop up and say, that wasn't discussed by the Planning Commission, and so you can't do that. So like if it's...if it's some...if it's not like a simple code change of like changing numbers, or you know, like just changing words, but you're coming up with entirely new legislation to regulate an industry . . . (timer sounds). . . I feel like...you know, I mean, there's some cases where we want to narrow our scope on...or specify what it is that we want the Planning Commission to look at and discuss

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and make a recommendation on. And there's some cases --

CHAIR MOLINA: Member Paltin, could you hold your thought on that for just a second? I think Member King and Vice-Chair Rawlins-Fernandez had some...want to lend some additional insight on your suggestion. Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah. I agree that if you try to put words like simple and straightforward, those are subjective. Because there's been times when I thought things were simple and straightforward, and the Council ends up having a two-hour debate on it. So you know, we might have different opinions on what's simple. But I think the issue is that if you make it an initial review, then you're adding another step because there's initial review, comes back to the Committee, then goes back to Planning Commission. But I think the...if it's...if it is a complicated thing that needs to go to Committee first, then you just don't make a motion to send it to the Planning Commission. So this is not automatically sending it to the Planning Commission, this is allowing it to go to the Planning Commission without doing the waiver or discharge or whatever else you might need to do. It's just, you know, making it easier to say, I want...I move to send this to the Planning Commission. But if you don't want to do that, then you would just receive it as a referral. I think that's what Member Rawlins-Fernandez might have been wanting to say too. So --

CHAIR MOLINA: All right. Let's go to Vice-Chair Rawlins-Fernandez. Additional thoughts?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, Member King summed up what my comments were going to be. It's just, if there's complications in the resolution or in the bill that we would like for the Planning Commission to review, then we would take it to Committee and we--just like the zipline--would make whatever amendments that we would want the Planning Commission to review, and we just...because it would still need a majority vote to send it to the Commission. And so you would still need a majority of the Councilmembers to agree that it's good as is to send it. And so if, you know, the majority of the Members agree like that we should take it to Committee, then we would take it to Committee. And most of the time, it's the Chair of the Committee that would ask for consideration on the...on that item to send it right away so that we can adopt the resolution on the Council floor. Otherwise, it automatically gets referred to Committee. Mahalo, Chair.

CHAIR MOLINA: All right. Mahalo, Member Rawlins-Fernandez. So let's do this, Members. So what is the pleasure of the body? I'm open to going with Member Rawlins-Fernandez's suggestion. Shall we frame this as...in a vote, or do we have consensus? Do we have consensus, Members, to go with the recommendation from Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER KING: Consensus.

CHAIR MOLINA: Okay. So ordered. Consensus. All right. We won't take a formal vote, then.

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It's just consensus. Okay. Chair is fine with that. All right. Members, Chair...we're just about on the doorstep of 12:00 noon. So I'm going to end this discussion today on this particular item. I will bring this back in a Committee meeting in the near future. Also, the Chair is considering possibly an off...the dreaded off-week meeting. And I know Vice-Chair Rawlins-Fernandez has been given the task of being the gatekeeper of approving any off-week proposals. Now, I guess one can say this is somewhat time sensitive because I would like to see us resolve...get through all of these proposals for the Council Rules at least by the end of this year, and not the end of next year. So I just throw that out for consideration, but I will, for the time being, schedule this for our third Committee meeting for the month of August, tentative, August 31st, and if need be, an off-week meeting, so we can finally get through all of this. Member King, your thoughts?

COUNCILMEMBER KING: Yeah. I was...is there a way that we could just take a vote on that first paragraph and approve the first section of the proposed amendment so we can actually put that part to rest? You know, I mean, at some point we got to start voting on these and getting through them so we don't frustrate our Vice-Chair. But I'm happy to vote on that first paragraph, since we seem to have consensus on it.

CHAIR MOLINA: Okay. Members, any objections to voting on that first paragraph? Any thoughts? Okay. I see a thumbs up. All right. Please go ahead and...I guess, someone would need to make a motion. Okay. Member...Vice-Chair Rawlins-Fernandez, go ahead, proceed with your proposed motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I move to amend Rule 7(G)(1) to create one, the Council must refer bills or resolutions having the force and effect of law, including the attachment of Exhibit A--so e.g., see Exhibit A--to a standing Committee, and must receive the Committee's report prior to first reading or adoption, except for resolutions approving the receipt of grants and resolutions referring proposed land use ordinances to the Planning Commissions.

CHAIR MOLINA: Okay. Motion made by Vice-Chair Rawlins-Fernandez. Is there a second?

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Seconded by Member King. Any further discussion? Okay. Seeing none, all those in favor, signify by raising your hands and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. Chair will mark it seven ayes with two excusals, Member Sugimura and Member Kama.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Kama and Sugimura.**

MOTION CARRIED.

ACTION: **AMEND RULE 7(G).**

CHAIR MOLINA: All right. Members, we've reached the end of our meeting for today. We will defer, if there are no objections, on GREAT Item 6(1), Amendments to Rules of the Council.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Chair?

CHAIR MOLINA: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Before deferral, I just wanted to make sure that it's included on the record that that last motion includes any nonsubstantive changes.

CHAIR MOLINA: So noted. Staff, you'll make note of that, will not [sic] include any nonsubstantive changes on that last motion.

MS. ESPELETA: Yes, Chair.

CHAIR MOLINA: Okay. All right. With that said, Chair would like to thank everyone for your participation and hard work today, Staff, Administration. Got a lot done, but we've certainly got more to do, especially as it relates to GREAT Item 6(1). So Ms. Espeleta, is there anything the Chair needs to be made aware of before we close?

MS. ESPELETA: There's nothing further. Thank you.

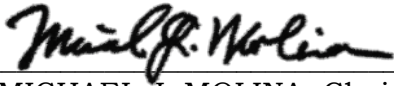
CHAIR MOLINA: Okay. Very well. All right. Members, the GREAT Committee meeting for August 3rd, 2021--the time is two minutes after the hour of 12--is now adjourned. . . . (gavel) . . .

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ADJOURN: 12:02 p.m.

APPROVED BY:



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

great:min:210803

Transcribed by: Brenda Clark

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 51 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 10th day of September 2021, in Wailuku, Hawai'i



Brenda Clark