

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

**MINUTES**

**Online via BlueJeans**

**January 4, 2022**

**CONVENE: 9:01 a.m.**

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
(in 9:20 a.m.)  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member (in 10:29 a.m.; out 12:50 a.m.)  
Councilmember Kelly T. King, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:** Shelly Espeleta, Supervising Legislative Analyst  
James Forrest, Legislative Attorney  
Kasie Apo Takayama, Legislative Analyst  
Jerry Paredes, Legislative Analyst  
Clarita Balala, Committee Secretary  
Lenora Dinneen, Council Services Assistant Clerk

Davideane Sickels, Executive Assistant to Councilmember Kama  
Evan Dust, Executive Assistant to Councilmember Kama  
Lois Whitney, Executive Assistant to Councilmember Kama  
Ellen McKinley, Executive Assistant to Councilmember King  
Sarah Sexton, Executive Assistant to Councilmember King  
Laura McDowell, Executive Assistant to Councilmember Molina  
Jordan Hocker, Executive Assistant to Councilmember  
Rawlins-Fernandez

**ADMIN.:** Keola Whittaker, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Jennifer Oana, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Brian Bilberry, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Ipo Mossman, Executive Assistant, Office of the Mayor  
John Pelletier, Chief of Police, Department of Police

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

**January 4, 2022**

---

**OTHERS:** Keisa Liu (GREAT-2(33) & GREAT-11(10))  
Mike Moran, Kihei Community Association (GREAT-33)  
Rick Collins, Director, Maui Coalition for Drug-Free Youth  
(GREAT-41)  
Gregory Kahn  
Frank DeRego, Jr., Chair, Police Commission (GREAT-41)  
Plus (2) other people

**PRESS:** Akaku - Maui Community Television, Inc.

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CHAIR MOLINA: ...*(gavel)*... The Government Relations, Ethics, and Transparency Committee meeting for Tuesday, January 4, 2022 will now come to order. *(Audio interference)* for today. Happy New Year, and welcome to our first GREAT meeting for this year to all of you, Members. The Chair is hopeful that you all had a wonderful and safe time celebrating the holidays with your loved ones. And now getting right back into the swing of things, the Chair has another rather heavy agenda for you this morning. Maybe not that heavy, but we'll see how we...how it goes. I'm certain we'll get through our agenda in a timely manner, and that I can get you guys out of here by 12:00 noon today. And we are also anticipating an executive session for one of our items, which is the last item on today's agenda. Now, this online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on Sunshine Law in-person meetings, which has been...which has suspended the use of in-person testimony and viewing locations due to the recent COVID-19 surge. The Governor's most recent emergency proclamation suspended the requirement for in-person testimony through February 28th, 2022. And as a reminder, please note the following mandate by the Governor. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at non-public locations where board members are physically present, or to identify those locations in the notice required by Section 92-7, HRS, provided that at the meeting each board member shall state who, if anyone, is present at the non-public location with the Member. And in accordance with the Governor's mandate, if you are at a non-public workspace, when your name is called, please identify by name who is present with you in the room, vehicle, or workspace. So with that said, let me go ahead and start our Committee roll call this morning. And we'll start off first with our Council Chair, our...our maven of cultural greetings, Alice Lee. Good morning.

COUNCILMEMBER LEE: Good morning and Happy New Year, Mr. Chair and colleagues. The greeting for today is as-salamu alaikum, and that's from India. The country in India is Srinagar, Srinagar. Chair, I'm home alone with my trustee little dog and nobody else. Thank you.

CHAIR MOLINA: Okay. Mahalo, Chair Lee. As-salamu alaikum. All right. I like that. Okay. Let's...I've been also informed right now my Committee Vice-Chair, always reliable Keani Rawlins-Fernandez, she'll be joining us a little shortly. Apparently there's been some issues going on with the Moloka'i District Office, but she'll be online with us sometime

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

**January 4, 2022**

---

later this morning. Let's go out to Lānaʻi and check in on Councilmember Gabe Johnson. As-salamu alaikum.

COUNCILMEMBER JOHNSON: As-salamu alaikum, Chair--trying my best with that one--and fellow Councilmembers. Glad to be here on this beautiful Tuesday morning. I'm alone in my office, and I'm looking forward to a great meeting. Mahalo.

CHAIR MOLINA: Mahalo, Councilmember Johnson. All right. Let's go out to South Maui and check in on Councilmember King. As-salamu alaikum.

COUNCILMEMBER KING: As-salamu alaikum and aloha kakahiaka. That's one thing that's harder to say than aloha kakahiaka. So I'm in my district office, and Alan (*phonetic*) is in the outer office with a door between us. And ready to...ready for another full GREAT meeting.

CHAIR MOLINA: All right. Right on. Sounds great. All right. Now, let's go check in on...go out to West Maui, check in on Councilmember Paltin. As-salamu alaikum. Oh, sorry, Member Paltin, I think you're muted. If you could unmute.

COUNCILMEMBER PALTIN: Alaikum assalam [*sic*] and aloha kakahiaka kākou. Broadcasting live and direct from the West Maui District Office with my aide Angela, who's more than six feet away. And I returned my two interns to school today, so they're getting a great education from the State Department of Education. Thank you.

CHAIR MOLINA: All right. Mahalo, Member Paltin. All right. Let's go out to East Maui and check in on Councilmember Sinenci. As-salamu alaikum.

COUNCILMEMBER SINENCI: Hey, as-salamu alaikum, Chair, and aloha kākou mai Maui Hikina. For the record, I'm broadcasting at home today by myself.

CHAIR MOLINA: Okay. Mahalo, Councilmember Sinenci. And let's go out to the beautiful jacaranda country of Upcountry, Maui and check in on Councilmember Sugimura. As-salamu alaikum.

COUNCILMEMBER SUGIMURA: As-salamu alaikum. I like 'em that phrase. Good job, Alice Lee. Just I'm in Kula. Yeah, jacaranda country is beautiful up here. It's nice and cold. I'm home with our son. He's still here from Chicago and will be traveling back on Friday, so I...we have him for the rest of the week. He's in the other room, and my husband is on the balcony, and we're ready for this GREAT meeting.

CHAIR MOLINA: All right. Mahalo, Member Sugimura. And safe travels to your son. And certainly weather is much better here than Chicago as far as I understand, yeah. All right. And also for the record too, I'm transmitting from home today, and in the other room...well, over 50 feet away is my wife up in here Makawao. And Member Kama, for today my understanding, well, will be excused from our proceedings. All right. Let's go

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

**January 4, 2022**

---

find out who else is joining us for our meeting today. We have from Corporation Counsel Keola Whittaker, and also Brian Bilberry and Jennifer Oana. From the Office of the Mayor, possibly he could be joining us a little later this morning, he's...like many travelers he's delayed in Hilo, but should be joining us maybe closer to 10:00 a.m., and that would be Ipo Mossman. And from the Police Commission for one of our items we'll have Mr. Frank DeRego. I'll ask, Members, for your consideration to have him as a resource when we get to that item. And from Committee Staff we have Shelly Espeleta, Kasie Apo Takayama, Jerry Paredes, James Forrest, Clarita Balala, and Lei Dinneen joining us. And I believe that should take care of everyone who's supposed to be part of our meeting today. And as I mentioned earlier, Members, we have a somewhat heavy agenda, but I'm confident we'll get out of here before 12:00. Let's begin first with public testimony. Now, oral testimony can be done via phone or video conference as well. Testifiers wanting to provide video testimony can join the online meeting via the BlueJeans meeting link, which is [bluejeans.com/175115369](https://bluejeans.com/175115369), as noted on today's agenda. And those testifiers who prefer to do audio testimony instead of doing a visual and audio, you can dial 1-408-915-6290 and enter the meeting code that I just mentioned. And the Committee intends to keep the same meeting link and phone number for future GREAT meetings this term for the ease and convenience of the public. Written testimony is also highly encouraged by using the eComment link, which is listed for today's agenda on [mauicounty.us/agendas](https://mauicounty.us/agendas). And now I believe we can go ahead and start with testimony. But first, again, oral testimony is typically limited to three minutes. If you are still testifying beyond that time, I'm going to kindly ask you to complete your testimony. When testifying, please state your first and last name. And if you are testifying on behalf of an organization or if you are a paid lobbyist, please inform the Committee of that. And please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. And those of you who just prefer to watch the meeting, just put on your television and watch *Akakū* Channel 53. So with that said...and also for testifiers, you may hear a bell when your three minutes are up. So if you hear that ringing or what have you, that's to let you know your time is up. Now, my understanding, today doing the honors of announcing our testifiers is one of our new analysts who's joined us, that's Mr. Jerry Paredes. Good morning, Mr. Paredes. And I'd like you to go ahead and announce our first testifiers for this morning. Mr. Paredes?

MR. PAREDES: Good morning, Chair Molina. The first individual signed up to testify on the list is Keisa Liu, to be followed by Mike Moran.

CHAIR MOLINA: Good morning, Ms. Liu.

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

MS. LIU: Good morning. My name is Keisa Liu, and I'm here to testify --

UNIDENTIFIED SPEAKER: Good morning.

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

**January 4, 2022**

---

MS. LIU: -- on two agenda items, GREAT-2(33) and GREAT 11-10 [sic], and we'll start in that order. So I want to first just say I did not know that we had a Cultural Resources Commission, so I did have to look it up, and I apologize for that. But I am happy to know that such a commission exists, and I would hope that adding Kumu Kaponu Kamaunu would help this commission become a little more emboldened to protect and preserve Hawaiian history, culture, land, especially as it relates to iwi kupuna. Now, I personally know what it's like to have all of your connections to your ancestry successfully destroyed. My family landed on Turtle Island because we were stolen from our homelands. Over time, we lost our language, our dances, our recipes, our land, and our birthrights to identities to the pursuit of financial gain for others. And I can safely say it wasn't worth it. So when it comes to commissions like this, you need strong voices, rooted voices, connected voices. As haumana of Halau Manaiakalani, I have witnessed firsthand the strength and mana rooted in Kumu Kaponu. He would be an absolute asset to the commission, and I wholeheartedly support his nomination. I'd like to move on to GREAT 11-10 [sic], and I...I would like to apologize to the family of Eric Wittmer. I did not ask their permission to invoke their brother's name, but I felt compelled to speak on the injustice he and his family suffered at the hands of those who were supposed to protect and serve. I want to remind everyone here that a cash settlement does not have the same value as knowing your family was cared for when they were barred from doing it...when you were barred from doing it yourself, regardless of the state that the family member was in at that moment. Now, Eric Wittmer suffered, then lost his life while in the protection and custody of the MPD. And I don't know if we have any officers who are trained medics, but what I do know is that a majority of them rely on our privately-owned medic companies to provide medical advice and care, which that alone is a disservice to our community. But MPD rules allows them to use discretion when deemed necessary, and the moment AMR pawned the responsibility to find medical care for Mr. Wittmer onto the MPD officers, they should have taken him to the hospital. And after his stability was confirmed, they could have gone back and addressed the relationship that they have. Now, I am aware that there are strained relationships between entities of protection and care within Maui County. We have layers and layers of toxic relationships, resentment, and judgment that equate to unnecessary loss of life in our community. . . .(timer sounds). . . After watching leadership...I'll finish up. After watching leadership especially, it is clear to me that here in Maui County we are socially and emotionally stunted, and no one has been successful in helping us be better for each other. Now I know I'm being a Debbie Downer right now, but I am hoping that a few of you here today see how harmful that is. We're killing people because we don't know how to work with each other.

UNIDENTIFIED SPEAKER: Yes, please. Oh, I got to find the...the...

MS. LIU: And I want you to ask yourself, do we want to keep being this way? To the Wittmer family, I am sorry for any pain I am causing by speaking on this today. And to the rest of us, especially those in leadership, we need to be better. We cannot stay stagnant in how we've been doing things --

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

**January 4, 2022**

---

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. LIU: -- and we actually have to change our behaviors. We have to stop letting our judgments of people affect how we offer care, especially when we're in positions where that is our job. We can do better. I know we have it in us. Mahalo for your time and consideration.

CHAIR MOLINA: Thank you very much for your testimony, Miss...Ms. Liu. Before I call on the Members for any questions, for those of you who are also joining our meeting today, please be sure to mute yourself because we have been getting some other sounds going on while we have a testifier speaking. So please be aware of that, make sure your mics are muted while someone else is speaking. So with that said, Members, do you have any questions for Ms. Liu as it relates to her testimony on our two agenda items? Seeing none. Thank you very much for your testimony, Ms. Liu. Okay. Mr. Paredes, please continue with announcing our next testifiers.

MR. PAREDES: Chair Molina, the next testifier is Mike Moran, to be followed by Rick Collins.

CHAIR MOLINA: Good morning, and Happy New Year, Mr. Moran.

MR. MORAN: Same to you, Chair, and to your Committee. Mike Moran for the Kihei Community Association. Aloha. And we're...we're here to testify on GREAT-33, asking you to approve Daniel Kanahele to the South Maui Advisory Committee in that particular position of traditional and customary practices. I personally, and most of us at KCA, have known Daniel since, we'll say, the beginning of this century...now that the century in it's 22nd year, so quite some time. And I met him as a member of...as the Director of KCA several times at public functions where he was testifying. And I was always impressed with him. And I chatted to the guys that were running the KCA at the time, the officers, and suggested that we ask Daniel to...to join us, and I did. And he gave me what I have learned to consider as the right answer, he said well, I'd like to think about it before I make a decision. And that impressed me right away, as opposed to the guys who go no, no, I'm not going to volunteer for anything, and others who say oh, sure, I'll do it, and then...without any thought then, you know, they don't dedicate time to it. So he has been with us for a decade now, and we're going to lose him, but it's the community's gain. Maybe the association's loss is the community's gain. We think he is the right person for this slot. He was on the provisional group with us, so we saw him in action in that actual slot. So we hope that...I think most of you already know Daniel, and when...I expect that he will get this approval, but we wanted to give our...our voice and our support to him. And hopefully this can...can be expedited, and we can get this committee going here. We were hoping to get it going this month, but as quick as we can, so we hope he gets in there, fills in that missing slot, and we can be ready to proceed in 2022. Thank you very much for the opportunity to testify. Aloha.

CHAIR MOLINA: Okay. Thank you very much, Mr. Moran, for your testimony. Members, any need to clarify Mr. Moran's testimony? I see Member Sugimura. Go ahead.

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

**January 4, 2022**

---

COUNCILMEMBER SUGIMURA: I may have misunderstood you, but nice seeing you here, Mike, and Happy New Year. Are you saying that because he may be joining this South Maui Advisory Group that he no longer can be on your...your Kihei Community Association Board? Is...

MR. MORAN: Well, it was strictly...it's strictly his choice. He...he retired. He was very clear to the board that he was not resigning, he was retiring, so he could get all the...the benefits from the association. So Daniel always has a way with words, but no, that was his choice, that he felt he couldn't take on too much and...and do an efficient job. So it was his choice to do it. We would have loved him to continue on --

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. MORAN: -- but we understood his position.

COUNCILMEMBER SUGIMURA: Okay. My...my concern was then does it mean that you would have to retire from the Kihei Community Association. And it looks like you've been doing a great job and would hate to lose you there. So that's all, my thought...thought process is kind of tied to you also. So thank you.

MR. MORAN: Thank you very much for the question. Aloha.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any other need to clarify Mr. Moran's testimony? Seeing none. Mahalo for your testimony, Mr. Moran.

MR. MORAN: A hui hou.

CHAIR MOLINA: A hui hou. Okay. Mr. Paredes, please go ahead and continue announcing our next testifiers.

MR. PAREDES: Chair Molina, the next testifier on the list is Rick Collins, to be followed by Gregory Kahn.

CHAIR MOLINA: Aloha and good morning, Mr. Collins.

MR. COLLINS: Aloha. Good morning, everyone. Good morning, Chair Molina and Councilmembers. My name's Rick Collins, I'm the Director of the Maui Coalition for Drug-Free Youth. Thank you for allowing me to provide some testimony on Item Number 41 related to the social host liability law. I'm just here first of all to thank Councilmember Molina's Office for their continued support of this law, and really continuing to work on this. So thank you, Councilmember Molina, and...and all the Staff that are...that are watching this and that are in this meeting. Also, just a mahalo to the Police Commission who's also been working, I know, in tandem with Molina's Office on this revision. I just want to say that the coalition is in support of the revision

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

**January 4, 2022**

---

to the law, which helps to clarify some language around the Police Commission's oversight of the Chief, and not the other way around. So we just want to support it. And I'm happy to stay on if there's any questions related to this...to this item. Thank you very much.

CHAIR MOLINA: Okay. Thank you for your testimony, Mr. Collins. We have questions for you first from Member Sugimura, followed by Member King.

COUNCILMEMBER SUGIMURA: Thank you. As you know, Rick, this is kind of one of my passions, so I was wondering since the implementation of this, I think it was September, have you heard of any outcomes or anything positive that has come out of this legislation? And what kind of education did you do? Because I think that was also one of the requirements of the...if...if...if --

MR. COLLINS: Yeah.

COUNCILMEMBER SUGIMURA: -- Mr. Molina would allow me to ask those questions.

MR. COLLINS: Yeah. That's --

COUNCILMEMBER SUGIMURA: Because of who he --

MR. COLLINS: -- that's great.

COUNCILMEMBER SUGIMURA: -- represents.

MR. COLLINS: Yeah, thank you for that question, Councilmember Sugimura. And yeah, we did a lot of...so I'll answer the first one about education. We really ramped up our education piece. We've run a number of radio ads, I think that have reached somewhere...I don't have it right in front of me. We did a report. I believe we have over about 400 or...or 500,000 gross impressions, that include radio ads that we did. We did about four or five different radio ads. We did a number of boosted social media posting. We were on Hawai'i News Now and KITV when the law went live as well, so we've done a number of those community awareness efforts. I hope that answers your question on that. And your second question was about the law itself. To my knowledge, there hasn't been any citation, but I also know that part of what we're discussing today hung up some of the MPD's ability to maybe enforce the law or get the...the...their standard operating procedures finalized.

COUNCILMEMBER SUGIMURA: Thank you.

MR. COLLINS: But...yeah.

COUNCILMEMBER SUGIMURA: Thank you, Rick.



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

**January 4, 2022**

---

MR. COLLINS: Yeah.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Member King, questions for Mr. Collins regarding his testimony?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Rick. Thanks for being here and for your advocacy. I just wanted to clarify the comment that you made at the end of your testimony about...about the Police Commission's oversight over the Chief and not vice versa. What did you mean by that?

MR. COLLINS: Yeah, it's my understanding that what we know of in the language revision that's being proposed was that the Police Commission felt like there's language in the current law that says the Police...the Police Chief...I...I don't...I don't know it verbatim, I...I didn't have the link pulled up right now, but something like the Police Chief would have the commission put the appeals measure in effect, to that...something to that. And maybe Councilmember Molina can help clarify that. When really what they were saying was it looks like the Chief has oversight of us and is requiring us to do it, whereas we would...that's not...that's against our Charter, we have oversight of the Chief.

COUNCILMEMBER KING: Oh, okay. All right. Thanks for that clarification.

MR. COLLINS: Yeah, no problem.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member King. And Member King, and also for the rest of the Committee Members, once we get to the item, we'll have an amendment to consider related to that...that...it's going to be suggested to us by Corporation Counsel. And before we go on to our next testifier, Chair would like to welcome our Committee Vice-Chair Keani Rawlins-Fernandez. Hau'oli...not hau'oli la hanau, was it...I'm trying to think of Happy New Year. But anyway, Happy New Year and as-salamu alaikum. That's our cultural greeting for today.

VICE-CHAIR RAWLINS-FERNANDEZ: Hau'oli makahiki hou.

CHAIR MOLINA: There you go.

VICE-CHAIR RAWLINS-FERNANDEZ: Hau'oli la haunau will be next week Tuesday for me. But aloha kakahiaka, as-salamu alaikum kākou. I am at my house by myself. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Committee Vice-Chair Rawlins-Fernandez. And Members, any other questions for Mr. Collins before we excuse him? As a matter of fact, Members, if there are no objections, I'd like to ask for your consideration, based on Council Rule 18, to have Mr. Collins stay for that item as a resource. Any objections?

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

**January 4, 2022**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR MOLINA: Okay. And also, Mr. Collins, are you able to stay for the duration of the meeting in the event the --

MR. COLLINS: Yes.

CHAIR MOLINA: -- Members have questions?

MR. COLLINS: Yes --

CHAIR MOLINA: Okay.

MR. COLLINS: -- that's fine. Thank you.

CHAIR MOLINA: All right. Good. Thank you. Okay. Seeing no other questions for you at this time, we'll move on with public testimony. Mr. Paredes, please continue with announcing our next testifiers.

MR. PAREDES: Chair Molina, the next testifier is Gregory Kahn, to be followed by Frank DeRego.

CHAIR MOLINA: Okay. Good morning, Mr. Kahn.

MR. KAHN: Good morning, everyone. Thank you for giving me the opportunity to speak. Embarrassingly, I did not sign up to...to speak today or to testify. So perhaps I can at least get recognition for the shortest or briefest testimony today.

CHAIR MOLINA: Okay. We're...we're fine with that, but thank you for joining our meeting nonetheless.

MR. KAHN: Thank you.

CHAIR MOLINA: All right. Mr. Paredes, please continue with announcing our next testifiers.

MR. PAREDES: Chair Molina, the last testifier on the list is Frank DeRego.

CHAIR MOLINA: Happy New Year, Mr. DeRego.

MR. DEREBO: Happy New Year, Chair and Members of the commission [sic]. I am Frank DeRego, Jr., and I am current Chair of the Maui Police Commission. First of all, I would like to...and I would be speaking on Police Commission comments on Ordinance 5174, 2020, establishing Chapter 9.40, Maui County Code, relating to the social host liability. First of all, I would like to commend the Chair for bringing this essential change to the

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

**January 4, 2022**

---

Ordinance 5174 forward since it will redress what the commission believes is a clear violation of the Charter that was evident in the original legislation. Basically, the Council cannot, by ordinance, deprive the Police Commission of a right and duty given to it by the Charter, namely the making of its own rules. Charter Section 8-12.3.1 clearly states the Police Commission will adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law. In the current legislation and in the estimation of the Police Commission through the legal advice it has received, giving the power to create rules for the appeals process is currently outlined in the ordinance to the Police Chief is a duty that is clearly should be assigned to the Police Commission and would be a violation of the Charter. Thus this change is not cosmetic, it's essential. The commission strongly urges this change because without it, the commission would have to explore other avenues of redress. I'd like to move to another point that was outlined in the letter that the commission sent to the Committee and to the Council. The commission does not dispute...and I want to make this clear, the commission does not dispute the right of the Council to assign the appeals process and the handling of this civil citation as described in the ordinance to the Department and the commission. Okay. However, it does question the advisability of pursuing this path. The commission believes there are other boards and commissions that would be better suited for this task in adjudicating civil fines and collecting civil fines. This focus currently is totally outside of the commission's current purview of its oversight of the Chief of Police and the handling of concerns with the conduct of police personnel. So we would humbly ask that the commission...that the Committee and the Council reconsider this assignment of this duty to the Police Commission. I had to make that comment simply because it was in our letter and it...by a vote of eight to one it was clearly the...the mind of the commission . . .*(timer sounds)*. . . on this particular issue. So thank you, Chair, for your...for your allowing me to testify today, and to all Members of the Committee. Mahalo.

CHAIR MOLINA: Okay. Thank you very much, Mr. DeRego. We have a need to clarify your testimony from Member King. Go ahead.

COUNCILMEMBER KING: Thank you, Chair. No, I didn't need...hello, Frank. Thanks for being here.

MR. DEREGO: Hi.

COUNCILMEMBER KING: I just wondered if we could ask Mr. DeRego to stay if he's available as a resource person when we get to that item.

CHAIR MOLINA: Yeah. Members, any objections? As I had mentioned earlier, could have Mr. DeRego as a resource when we get to the social host --

COUNCILMEMBER KING: Oh, okay.

CHAIR MOLINA: -- item?

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

**January 4, 2022**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR MOLINA: Based on Council rule...okay. Good. No objections. Okay.

MR. DEREBO: Chair, always willing to serve.

CHAIR MOLINA: All right. Thank you, Mister...we're not going to let you out of here that easy, right?

MR. DEREBO: There we go, not getting out easy. Mahalo, Chair.

CHAIR MOLINA: Thank you. All right. So Members, if you have any questions for Mr. DeRego, let's go ahead and save those questions once we get to the item. Okay. Mr. Paredes, is there anyone else signed up for testimony?

MR. PAREDES: Chair Molina, there is no one else signed up for testimony at this time.

CHAIR MOLINA: Okay. We'll take a momentary pause in the event someone out there might want to sign on and do testimony. So if you'll bear with me for about 30 seconds or so. Okay. Mr. Paredes, last call, is there anyone...has anyone signed up for testimony?

MR. PAREDES: Chair Molina, no one has signed up for testimony.

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

CHAIR MOLINA: Okay. Very good. Thank you. With that said, Members, any objections to closing public testimony and accepting written testimony for today's agenda? Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR MOLINA: Okay. So ordered.

**GREAT-2(33): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY CULTURAL RESOURCES COMMISSION) (CC 21-42)**

CHAIR MOLINA: All right. Members, we'll go ahead and start with our first GREAT item of the day, which is GREAT Item 2(33), which relates to the Maui County Cultural Resources Commission nomination of Kapono Kamaunu. This is for a term expiring on March 31st, 2022, to fill a vacancy due to the resignation of Tanya Lee-Greig. The 60-day deadline for the Council to approve or disapprove this nomination is January 22nd of 2022. As I had mentioned earlier, Mr. Mossman from the Mayor's Office is currently in transit to our meeting. We do have, I believe, Richelle from the Mayor's Office, but at

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

**January 4, 2022**

---

this point what...I guess if you have questions related to Mr. Kamaunu, we'll recognize Richelle from the Mayor's Office in the event Mr. Mossman doesn't (*audio interference*) So what I'm going to do, I believe Mr. Kamaunu is online with us. I did see him earlier. Mr. Kamaunu, if you're there, good morning. I see him there. Okay. Oh, there you are. Good morning, Mr. Kamaunu.

MR. KAMAUNU: Hi. Aloha kākou. Hau'oli makahiki hou.

CHAIR MOLINA: Good. If you could, go ahead and take about maybe one or two minutes to tell us something about yourself and why you'd like to serve on the Cultural Resources Commission. And after you're done, I'll ask the Members if they have any questions for you. Please go ahead.

MR. KAMAUNU: Yeah, sure. Again, my name is Kapono Kamaunu, and a husband and father of two, and of course kumu hula. And as well as business owner of Na Kani O Hula, and we make hula implements here on Maui, all by hand. And the reason why I wanted to serve was because as kumu hula, you know, we teach cultural practices, protocols here and international. And a few years ago it kind of just popped in my head that, you know, I want to do more in the community. Because we were so often teaching around the world that I wanted to come back home and create a bigger base here, and just continuously teach and educate our people throughout the community. And so when Ipo Mossman came up with this opportunity for me to serve on the commission, even though for a short time, I wanted to at least give the opportunity for the people on the commission, if they can use me for this time, then I'll be happy to serve. And wanting to learn more. And of course, with teaching, I get to learn more as well. And so I just wanted to be a part of that resource committee [*sic*]. And if chosen, I'll be ready to serve. If not, we're still out there in the community, and I can be a resource for the resource committee [*sic*].

CHAIR MOLINA: Okay. Mahalo for your opening statements, Mr. Kamaunu. At this point I did have four Committee Members who requested...or have questions for you. And Members, you'll have...put you on a three-minute clock in the interest of, you know, moving our agenda along here today. We'll start first for questions that will come from Committee Vice-Chair Rawlins-Fernandez. Questions for Mr. Kamaunu, please go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Kamaunu. Mahalo for your willingness to serve on this commission. I just have three questions that I generally ask nominees so we can have the responses on the record and for the public's benefit. So the three questions that I generally ask all the nominees are one, do you foresee any concerns with your attendance; two, have you attended of the meetings previously or reviewed the meeting minutes; and three, what do you hope to contribute or how do you envision contributing to the commission?

MR. KAMAUNU: Oh, mahalo, thank you for the questions. The first one, you know, at this

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

**January 4, 2022**

---

time with the shutdown of certain areas that we cannot travel, as you may know, some kumu hulas, we travel all over the world. And so as far as attendance, I'm...I'm open and willing to participate in the commission. And have to learn better management timing skills so I could attend in a...in a better way. The second question was...

VICE-CHAIR RAWLINS-FERNANDEZ: Have you ever attended meetings or reviewed the meeting minutes?

MR. KAMAUNU: I haven't attended any of the meetings, but I did review to just look at the website and see what type of issues that we're looking at. And one of the ones that I were...was reading about as a cultural advisor for the Kea Lani Hotel, we had just recently put forward the recommitment and kuleana to take care of Palauea. And so I saw that on the one of the commission meetings that they were working with OHA to continuously keep that space as a protected area in the ahupua'a. And so I was looking at oh, I could contribute to helping with that commission on...on tying together what needs that their...their needs are, because the hotel is waiting to really focus on...on taking care of that property and educate the people around the area about this specific Palauea site, yeah. And then third...what was the third question? I'm so sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: How do you envision contributing to the commission.

MR. KAMAUNU: You know I'm...as a...as a...as a person in the community, we have the jacks of all trade and all knowledge, and you know, I...I was...I...I put in the application kind of vague information just because I have so many knowledge and talents. But then I'm also one to know when my weaknesses are. And if I cannot or I don't know the knowledge or the information, I go and seek that information out and seek that person that I put in the application, like seek other practitioners to fill in that knowledge. So that's one of the...the strengths that I have where I can contribute that because even though we've learned a lot, I...I...there's still more to learn. Yeah. One of the...one of the Hawaiian proverbs that you may know is a'ohe pau ka 'ike i ka hālau ho'okahi. That not all knowledge comes from one school. And although as a teacher myself, as an educator, I still see certain weaknesses that I have that I need to bring in other people to bring in that knowledge.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Great response. And then a last follow-up, Chair, if the timer didn't go off yet. I didn't hear the timer. I see that the expiration of this term--because you're filling a term that was vacated twice--is in March. Do you anticipate staying on longer than that, reapplying for the commission?

MR. KAMAUNU: Yes. If...if the commission would love to have me to serve again, then yes, I would...I would reapply.

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

MR. KAMAUNU: Mahalo. Mahalo.

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

**January 4, 2022**

---

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. That's...that last question was a good one. Yeah, it's...right now for...it's just a brief stay, but I certainly would hope that assuming you like what...what you're doing...you would be doing on the CRC, that you would consider reapplying for a five-year term. So anyway, good questions, Vice-Chair. All right. We have a request for questions, I guess, from Councilmember Sinenci. Questions for Mr. Kamaunu?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Kamaunu, for your willingness to serve. And I apologize if some of my questions seem a bit personal. The first one was, any relation to Kaniloa Kamaunu?

MR. KAMAUNU: Oh, yes, that's my uncle, but I still haven't learned the connection because our Kamaunu side comes from O'ahu.

COUNCILMEMBER SINENCI: Okay. Mahalo for that. And then...and then you mentioned that you had moved here, and that was from O'ahu?

MR. KAMAUNU: Yes. Early on.

COUNCILMEMBER SINENCI: Oh, okay. And then...but, you know, we're looking at the Cultural Commission to have representation hopefully from different districts of the...of the island so that we have almost lineal knowledge of different sections of the island. So do you have any lineal...I...I see that you already got your apprenticeship under kumu hula Keli'i Tau'a, so that says a lot. But do you have any wahi pana that...that you relate to?

MR. KAMAUNU: Connected as in lineal descendent?

COUNCILMEMBER SINENCI: Yeah, 'ae.

MR. KAMAUNU: Not that I know of on Maui other than Uncle Kaniloa guys. Most of our connections is on O'ahu and Big Island.

COUNCILMEMBER SINENCI: Okay. Mahalo for that. Thank you, Chair.

CHAIR MOLINA: Okay. Mahalo, Councilmember Sinenci. And you were also requested to appear by Councilmember Paltin for questions. So Member Paltin, questions for Mr. Kamaunu?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kamaunu, for your willingness to serve. I just was wondering...you know, a lot of the Cultural Resource Commission issues deals with our County historic districts, and I just was wondering how familiar you were with the historic districts? Like do you know how many there are, and where they're located, and any...anything about the historic districts?

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

**January 4, 2022**

---

MR. KAMAUNU: Oh, that's a good question. I'm not too familiar. I've been focusing more on the cultural hula and . . . *(inaudible)*. . . Hawaii things, and that's...that's a good question I need to follow up on.

COUNCILMEMBER PALTIN: Okay. Cool, cool. Two of them are in Lāhainā, and I think one is in Wailuku. I...I need to get better educated as well. But I think the two in Lāhainā, one is kind of more pre-contact and one is like post-contact. So I know that you probably have...or I don't know, but I'm asking, I guess, if you have...like how you said that if you don't have the information that you will find it. Do you have resources in West Maui that could help educate you about the historic districts, or maybe from West Maui? Because...because I represent West Maui.

MR. KAMAUNU: Oh. Yeah, no, of course. Like practitioners like Keeaumoku Kapu, Kekai Kapu, they could probably share more on the history of Mokuula if that's the area that you're talking about. Yeah.

COUNCILMEMBER PALTIN: Okay. And then, you know, something that I know Member Sinenci was pursuing was like a cultural overlay. And I just was wondering your thoughts about...about how that could work to protect our cultural resources.

MR. KAMAUNU: Cultural overlay...

COUNCILMEMBER PALTIN: Kind of like maybe mapping out of our cultural resources, but not in a way that...not to expose to exploitation, but more for preservation purposes. It...it hasn't been created yet, but I just was wondering your thoughts on a cultural overlay to help with planning and protection of our cultural resources.

MR. KAMAUNU: Yes. We did have a meeting with the cultural advisors of the different hotels in Wailea and on Maui in general . . . *(timer sounds)*. . . of looking at perhaps working with the companies who create the travel maps on Maui, and maybe start with that first, and reapplying them to add cultural...the mokus and ahupua'a systems. And maybe dedicating those general sites like Palauea, Iao Valley, and taking them off the map in a sense where is very sensitive so people don't...so the tourist don't see it, and then be like that's the first place that they want to go and...and see, and rather go to the hotels or go to cultural educational place to learn more about it rather than just generally going off and creating their YouTube, vines, blogs, and whatnot. So I thought that...I think that was something that we were working towards, but since the pandemic we haven't reconnected on that.

COUNCILMEMBER PALTIN: Okay. Great. I think I heard my time is up. And thank you so much for your answers and for your willingness to put yourself out there in this format. Thank you so much.

MR. KAMAUNU: Oh, mahalo.



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

**January 4, 2022**

---

CHAIR MOLINA: Okay. Thank...thank you very much, Member Paltin. And finally, the fourth Councilmember that requested your presence and have...I assume have some questions for you, Mr. Kamaunu, is Councilmember King. Go ahead, Member King.

COUNCILMEMBER KING: Thank you, Chair. But actually all my questions have been asked and answered, and so I will just thank Mr. Kamaunu for his willingness to serve. And then encourage you too, that if you...if you find that you're able to keep up with it and contribute, that consider, you know, rejoining after the short term that you're...you know, you're filling the end of. But yeah, all my...all my questions were asked and answered that I had on my list. So thank you to my colleagues as well.

CHAIR MOLINA: Okay. All right. Thank you very much, Member King. Okay. I believe that completes our interview process as it relates to the four Members that requested your presence, Mr. Kamaunu. So with that said, I want to thank you very much for your responses and your willingness to serve. And I like one of your responses related to the question...one of the questions that was asked of you by Vice-Chair Rawlins-Fernandez about be...as an educator, you still want to continue learning. That is very, very important, and I really appreciated that response. So with that said, Members, I'm going to call for a motion to recommend the adoption of the proposed resolution approving the appointment of the Kapono Kamaunu for a term expiring on March 31st, 2022, to the Maui County Cultural Resources Commission.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER PALTIN: Second.

CHAIR MOLINA: Okay. Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Chair Lee. Any discussion? Seeing none. All those in favor, signify by raising your hands and saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Okay. Thank you. The Chair will mark it eight "ayes," one excusal, Member Kama.

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

**January 4, 2022**

---

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

**NOES:**   **None.**

**ABSTAIN:**   **None.**

**ABSENT:**    **None.**

**EXC.:**    **Councilmember Kama.**

**MOTION CARRIED.**

**ACTION:**   **ADOPTION OF RESOLUTION TO APPROVE KAPONO  
KAMAUNU TO THE MAUI COUNTY CULTURAL  
RESOURCES COMMISSION.**

CHAIR MOLINA: Mahalo, Mr. Kamaunu. Your matter will go to the full Council for a final vote. And again, we thank you for taking time out to share your thoughts with us as it relates to the Cultural Resources Commission. Aloha.

MR. KAMAUNU: Aloha.

CHAIR MOLINA: Okay. Very good, Members.

**GREAT-2(34): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (PUBLIC WORKS COMMISSION)** (CC 21-42)

CHAIR MOLINA: All right. Let's move on to our next agenda item, which is GREAT Item 2(34). This relates to the nomination of Joaquin Freitas, Jr. to the Public Works Commission for a term expiring on March 31st, 2024, to fill a vacancy due to the resignation of John Blanchard. The 60-day deadline for the Council to approve or disapprove the...this nomination is February 13th, 2022. And I'm trying to find out if Mr. Mossman is online with us right now. If he isn't, I'll go ahead and call upon Mr. Freitas, Jr., if he's online. I did see him on there earlier. And if he would come online and make his presence known to us. Mr. Joaquin Freitas, Jr., if you're there, please let us know, and coming online. I know I saw your dad earlier, Mr. Jack Freitas, Sr. Mr. Freitas?

UNIDENTIFIED SPEAKER: Chair, Staff has unmuted his video and audio.

CHAIR MOLINA: Okay. Very good. I see...I see Mr. Freitas coming by. I need Joaquin Freitas, Jr.

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

**January 4, 2022**

---

MR. FREITAS: Good morning.

CHAIR MOLINA: Good morning. Okay. Mr. Freitas, good morning.

MR. FREITAS: Good morning, Mr. Molina.

CHAIR MOLINA: How are you? I'd like you to go ahead and share with us your thoughts as to why you'd like to serve on the Public Works Commission. Take about a minute or two. And then what I'll do is I'll open up the floor for questions from the Members for you. Mr. Freitas, please go ahead.

MR. FREITAS: Yeah, hi. I'm 82 years old. I've been self-employed all of my life. Served on numerous commissions. And I believe that, what you call, my knowledge, I can contribute to the Public Works Commission. I'll give you a quick example. When I was on the Cost of Government Commission, I made a motion to review all, what you call, departments on all of their rolling stock. And what...what we found was Public Works, Finance, they had vehicles that was ten years old and had 300 miles on that it wasn't being used. So...and they were asking to replace those things. That's something that I'd look at, the...the cost of running Public Works. I'm...I'm...I'm concerned about that. And being self-employed and going through 2008 while people was bankrupt, I held together, and I...I think I can...I can do some good at Public Works. And I have no agenda. Like I say, I'm 82 years old, my dad lived to 84, I don't know how many more Fridays I got, and that's where it lies.

CHAIR MOLINA: Okay. Thank you very much, Jack. Well, you know, 82, Jack, you look wonderful. And I want to thank you for all these years for serving our County on many different boards and commissions. So you certainly have my support. But for now I've got four Members that requested your presence, and they have some questions for you. So I'm going to start first with Committee Vice-Chair Rawlins-Fernandez. Questions for Mr. Freitas?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Freitas. Mahalo for your willingness to serve on the commission.

MR. FREITAS: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Good morning. So my first question is regarding attendance. Do you see foresee any concerns with your attendance?

MR. FREITAS: Not at all. I was on the Fire Commission, I...I can...in the five years I missed three...three meetings, and it was because of health issues.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response. My second question is regarding your experience with the commission. Have you ever attended any of the

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

**January 4, 2022**

---

meetings or reviewed their meeting minutes?

MR. FREITAS: No. Only connection I had with...with Public Works was when we reviewed their rolling stock and, you know, made some...some...and...and I work with them. I...I do primarily the lock...a lot of locksmith work for them. And...and also dumping some of their equipment and all. I...I...I'm familiar with...with the Public Works.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And my last question is regarding what you envision contributing to the commission.

MR. FREITAS: Like I said, you know, I'm...I'm primarily concerned of costs on...on...on the equipment that they need, the equipment and what they don't need. You know, Public Works don't need five motor graders, you know. Like when we reviewed them, and this is way back, this was when Linda Lingle was in office, they had five motor graders, you know, and they were parked, you know. And that's...that's my vision, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: As the Budget Chair, I appreciate that response. Those are all my questions. Mahalo, Mr. Freitas.

MR. FREITAS: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Let's go to Councilmember King, questions for Mr. Freitas?

COUNCILMEMBER KING: Well, thank you, Chair. I can ask questions that haven't already been asked. Thank you for being here, Mr. Freitas. I really appreciate your spirit of oversight, and as a businessperson, I...like our Committee Vice-Chair, that I appreciate the...the scrutiny of spending in all the departments. And I just...my...my main question is whether or not you have any conflict of interest? Because I know you're very involved in the community. And do you have any items that would...that might...in your own personal life or business, that might make it a conflict of interest?

MR. FREITAS: I'm sorry, I didn't hear the first part of the question, Ms. King.

COUNCILMEMBER KING: Oh, I was just asking if you had any...I...I...I...the first part wasn't a question, it was just an appreciation for your --

MR. FREITAS: Yeah.

COUNCILMEMBER KING: -- spirit of oversight.

MR. FREITAS: Yeah.

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

**January 4, 2022**

---

COUNCILMEMBER KING: Just want to make sure that there was no conflict of interest with any...any issues that you might have in your own personal life or business.

MR. FREITAS: Not at all. I have no...no, I would have no conflicts. I have...right...right now, I'm looking to slow down and...a little bit and get my...you know, the idea is I...I own property, and...and the property tax is what...what runs the County. Primarily the money is from...based on property tax, and I'm concerned of...of wasting of funds and stuff that is not being . . .*(inaudible)*. . . And like when I was on the Fire Commission, you know, they spend a million dollar for a ladder truck, but it was necessary to protect the community. So I have no problem with things like that. But if they were, you know, buying a corvette for the Chief, I would have problems with that, yeah. And that's...that's my primary concern is . . .*(inaudible)*. . .

COUNCILMEMBER KING: Okay. And yeah, we just heard recently...well, just yesterday, in fact, that the Public Works is...that the Administration is considering expanding into, I guess, another division of facilities oversight, maintenance oversight. So if that comes under the Public Works Commission, are you...are you willing to have that oversight as well? It would be --

MR. FREITAS: Sure.

COUNCILMEMBER KING: -- they're looking at a facilities manager for maintenance, I think, overall, and they haven't solidified that, but is that something you would be interested in having input on?

MR. FREITAS: Yeah, most definitely, because that's...that's one of the problem they had with the Fire Department, they had to hire somebody specifically to, what you call, maintain their buildings because there was nobody, a Public Works or whoever was supposed to could not handle it, and we approved that because it was necessary. Yes, I'd have no problem with that. . . .*(timer sounds)*. . .

COUNCILMEMBER KING: All right. That's...oh, there's my time. That's all my questions. And thank you so much for being willing to continue serving your County.

MR. FREITAS: Okay. Thank you and stay healthy.

COUNCILMEMBER KING: Okay. You...you as well. Thank you.

CHAIR MOLINA: Thank you very much, Member King. Okay. Mr. Freitas, we have questions for you now from Councilmember Paltin. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Freitas, for your willingness to serve. My first question, on your application, it did say yes to political affiliation. Just was wondering if you are still or presently a registered card-carrying...

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

**January 4, 2022**

---

MR. FREITAS: Been a registered Democrat since I was 18 years old, 14 years I served on the Democrat Central Committee, I chaired the Democrat Party on Maui. I am a Democrat.

COUNCILMEMBER PALTIN: Okay. Okay. And then K.S. & L.S., Inc., is that Kihei Safe Locksmith or...

MR. FREITAS: That's the...that's the corporation is K.S. & L.S., Inc., dba Kihei Safe & Lock, dba Maui Tow and Transport.

COUNCILMEMBER PALTIN: Okay. Okay. And I just was wondering, you know, in Public Works we do a lot of road maintenance and things like that. And I was just wondering, you know, you associated Public Works with property tax, which is also true, but a lot of the roads and things that we do, it comes from the Highway Fund. And I just was wondering your thoughts on the...the infrastructure and...and things like that, how...how it's going.

MR. FREITAS: Well, everybody knows our infrastructure, roads and all of our infrastructure...we got two water leaks right now on Piihola Road, I came to work this morning. All of our infrastructure is in bad shape. We...we need it, but you have to have the money to pay for it, yeah, and I...I have no problem with improving the infrastructure if the money is there.

COUNCILMEMBER PALTIN: What...what...what do you think should be some of the priorities of improving the infrastructure?

MR. FREITAS: Well, I...number one, you...your roads, your bridges. You know, it's in the news monthly. You know, the things that is...is...is . . . *(inaudible)*. . . necessary. The...you know, when I get there we'll take a look at it, and I'll do my best to do what...what is right, yeah.

COUNCILMEMBER PALTIN: Okay. And you have no problem with the virtual interface, you have computer and...and you know how to work it and everything is good with that?

MR. FREITAS: Yeah, I have no problem.

COUNCILMEMBER PALTIN: Okay.

MR. FREITAS: I have no problem.

COUNCILMEMBER PALTIN: Thank you, Mr. Freitas, for your willingness to serve and answering our questions. Appreciate it.

MR. FREITAS: Okay. You're welcome, and have a great day.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. And the final Member that

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

**January 4, 2022**

---

requested your presence today is Member Sinenci. Questions for Mr. Freitas?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Mr. Freitas, for being with us this morning. You know, the...the Council had just adopted an aggressive anti-pesticide ordinance for the protection of our...of the County against litigation and for the...for the health of our Public Works workers. So do you see the Department expanding to include more equipment or personnel in addressing, you know, mitigation of the highways?

MR. FREITAS: What you call, when I get there I'll have to take a look if they need more, and if they do...you know, if...if it's needed...you know, like I say, anything that's needed I'll support it. I feel that it's just to have some nice shiny equipment, it ain't happening.

COUNCILMEMBER SINENCI: Okay. Thank you. And then my second question, Mr. Freitas, was South Maui doesn't have a Public...Public Works baseyard, and currently the Hāna baseyard, a lot of our workers have to go all the way out to Ulupalakua to...to check the highway. So are you supportive of...of having a Public Works baseyard in South Maui?

MR. FREITAS: South Maui to go to Ulupalakua? That would...South Maui is Kīhei, right?

COUNCILMEMBER SINENCI: Yes.

MR. FREITAS: The Kīhei area. I would think, what you call, the Makawao baseyard would be closer to do Ulupalakua than bringing somebody from South Maui. That's something I would...I would really have to take a look at because the distance from Makawao to Ulupalakua to check road is far closer than the...sending somebody from South Maui. Now, if South Maui would probably take care like Puunene, that area, but I...I'd have to look at that real...real closely. You know, I think you have to show me that they need it, to be honest with you, okay.

COUNCILMEMBER SINENCI: Right. Mahalo for your responses, Mr. Freitas. Thank you, Chair.

MR. FREITAS: Okay. Thank you very much.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. So seeing that there are no other Members that had questions for you, I want to thank you very much, Jack, for taking the time out to share your thoughts with the Committee. And thank you for all your service to the County. And certainly, when it comes to locks and safes, your company is one of the first that myself and many others think of. So just out of curiosity, how long have you been in business now?

MR. FREITAS: On...on...on Maui, 42 years.

CHAIR MOLINA: 42 years.

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

**January 4, 2022**

---

MR. FREITAS: On...on...on Maui. But I've been doing locksmithing since 1962. I came out of the...I got hurt in the service, and I rehabilitated as...as a locksmith, and I stuck with...with it.

CHAIR MOLINA: Well, certainly it's a credit to you, you've been in business this long. I bet you all know how difficult it is to stay in business and in small business these days, yeah. So thank you...

MR. FREITAS: 100 percent.

CHAIR MOLINA: Yeah.

MR. FREITAS: Home Depot and Lowe's knocked the hell out of me. Hey, all you guys have a great, great day, and thank you very much. Stay healthy.

CHAIR MOLINA: All right, Jack, and thank you. And don't work too hard. And tell me what...must be something in that water up on Piipolo Road that keep you so young and energetic.

MR. FREITAS: Thanks again.

CHAIR MOLINA: All right. Thank you, Jack. Okay. Members, with that said, Chair's going to recommend the approval of...excuse me, the adoption of the proposed resolution to approve the appointment of Joaquin Freitas, Jr. for a term expiring on March 31st, 2024 to the Public Works Commission. Chair will ask for a motion to approve.

COUNCILMEMBER SUGIMURA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

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

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Okay. Thank you. The Chair will mark it eight "ayes" with one excusal, Member Kama.



**Council of the County of Maui**

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

**ABSTAIN: None.**

**EXC.: Councilmember Kama.**

**ACTION: ADOPTION OF RESOLUTION TO APPROVE JOAQUIN FREITAS, JR. TO THE PUBLIC WORKS COMMISSION.**

**GREAT-33: APPOINTMENTS TO SOUTH MAUI ADVISORY COMMITTEE (CC 21-228)**

COUNCILMEMBER KING: Yeah, I...yeah, thank you, Chair. I did ask...ask you to do that earlier because I couldn't get in touch with Daniel Kanahele. So I'm fine if you want to move that to the end of the agenda.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR MOLINA: Okay, seeing no objections. . .

MR. KANAHELE: I'm here. I'm present.

CHAIR MOLINA: Oh, wait a minute, there he is, Mr. Kanahele. All right. So Member King, with your blessings, do you want to proceed with addressing GREAT Item...

- 25 -

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

**January 4, 2022**

---

CHAIR MOLINA: Okay. All right. Members, with that said, the purpose of the proposed resolution for GREAT Item 33 is to appoint Daniel Kanahele, an individual with demonstrated expertise in Native Hawaiian traditional and customary practices to the South Maui Advisory Committee for a staggered term of three or five years as selected by lot in accordance with Sections 2.28.050 and 2.28.070 of the Maui County Code. At this point, Chair would like to recognize Member King for opening comments regarding Mr. Kanahele. And when she's done, we'll recognize Mr. Kanahele for opening statements. Member King?

COUNCILMEMBER KING: Oh, okay. Thank you, Chair. Yeah, as you know, we...this Committee decided to set aside one seat until...until we could fill the Hawaiian...the Native Hawaiian cultural expert on the...on the committee. And so Mr. Kanahele at the time was on the Cultural Resources Commission, but he decided to resign from that commission so that he could fulfill the seat on the South Maui Advisory Committee. And he does have experience because he was on the...what we called the provisional committee when it was a volunteer committee. And that one met for close to two years before we got it to be officialized. So I want to thank Mr. Kanahele for being willing to serve South Maui in this capacity. And then also, because he serves as my district office Staff, that's really the reason why...this was a question from Member Sugimura, why he resigned from the KCA because I didn't want my Staff to be seen as favored more towards KCA. We have like four community associations in our district. So that...that was one...plus it's a lot of work, and it's a lot to be on these...these three different positions. So I'll let...with that, I'll let Mr. Kanahele talk about his own experience and why he wants to be on the South Maui Advisory Committee...or continue on it now that it's official.

CHAIR MOLINA: Okay. Thank you very much, Member King. Well, aloha and good morning, Mr. Kanahele. Please take about a minute or two. Again, although many of us know you very well, there may be some in the audience who may not, so please go ahead and take a couple of minutes to tell us a little bit about yourself and why you'd like to be appointed to the South Maui Advisory Committee. Please go ahead.

MR. KANAHELE: Aloha, Chair Molina. Let me make sure you can all hear me clearly. Is my voice coming through clearly?

CHAIR MOLINA: It is for now. Go ahead.

MR. KANAHELE: Thank you.

COUNCILMEMBER KING: A little...you might --

MR. KANAHELE: Okay.

COUNCILMEMBER KING: -- have to turn off your video because it's a little sketchy.

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

**January 4, 2022**

---

MR. KANAHELE: Everything is...let me see if I can increase the volume.

CHAIR MOLINA: Yeah, it sounds like your volume is...

MR. KANAHELE: Is it better now?

CHAIR MOLINA: You're good. Okay. And turn off your video. Yeah. Okay. Go ahead, Daniel, you sound good.

MR. KANAHELE: Okay. Thank you. So thank you for the opportunity to meet with the GREAT Committee this morning. I always like that name, GREAT Committee. So as you know, my name is Daniel Kanahele. I live in the South Maui area. I work here, I go to church here, and I've been active in the community for about two decades now. I get a lot of personal satisfaction out of serving, whether it's one on one or serving in a larger capacity. So I've had many opportunities to serve on volunteer boards and commissions over the years, and many of them in the South Maui area. As Councilmember Kelly King mentioned, I...I was on the Kihei Community Association up until the end of this past year as a board member. I did serve on the provisional South Maui Advisory Committee starting in 2019. I currently serve on the Maui Meadows Neighborhood Association because that's where I live. So I'm the vice-president of that association, and I've served a couple of terms over the...several years. And so I guess my main reason for wanting to be on the South Maui Advisory Commission [sic] is that I can actually do it because it meets in the evenings, so it won't interfere with what I'm doing in the daytime, my new work in my new job. So I can do that. I have served on the Cultural Resources Commission up until the end of the year, and gained a lot of knowledge with regards to how...how County commissions work and County boards work. I think serving in South Maui is a good fit for me because it's an area that I'm very familiar with. I take a special interest in...in this district because it's my home. And I feel I have a responsibility and obligation, a kuleana to take care of the area where I live more than anyplace else. You know, I'm not in West Maui, I'm not in...I'm not in East Maui, I'm in South Maui, it's my home. So I just want to do whatever I can to help make this place a good place to live, and a place where people can come to and still have a sense of place. Historic preservation is very important to me as...as a Native Hawaiian. It's something I focused on for a couple of decades now. And there are still places in the South Maui District that I consider historically significant. So I think one of the things that I can lend on the South Maui Advisory Commission [sic] is a...is a rooted understanding in the importance and significance of places that are historically significant. Not...not only to Native Hawaiians, but people who live here because there is a great interest in people who have moved here in learning more about the history of this place. It helps them to connect to it. It helps them to feel a sense of belonging and responsibility to the area that they are now making their home. And there are lots and lots of people like that in South Maui. We have a...we're a growing district, a lot of people have moved here, and so they're...they're interested in history. And I think it's...it's important to preserve our history for...for all the people that live in...in Hawai'i

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

**January 4, 2022**

---

nei. So that's kind of my short answer for why I want to serve on the...why I think I can serve on the South Maui Advisory Commission [sic] in this capacity.

CHAIR MOLINA: Okay. Mahalo --

MR. KANAHELE: Thank you.

CHAIR MOLINA: -- Mr. Kanahele, for your (*audio interference*). I'm going to turn matters over now to the Committee Members if they have any questions for you. So Members, this is your opportunity to ask Mr. Kanahele as to why he would like to be considered for the South Maui Advisory Committee. And Members, again, you have up to three minutes. Okay. Chair will recognize Member Paltin, followed by Committee Vice-Chair Rawlins-Fernandez. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kanahele, for your willingness to serve. My first question is, have you gotten a Board of Ethics ruling, or would you be willing to get a Board of Ethics ruling about any conflict of interest to serve on this committee?

MR. KANAHELE: Sure, if that was needed. I wouldn't object to it.

COUNCILMEMBER PALTIN: Okay. Just the reason I was asking, my aide Angela served on the CPAC and that was one of the things that we had required her to do was to get a Board of Ethics ruling on any possible conflicts of interest.

MR. KANAHELE: If that's something that's required for all of those who are appointed to serve then, you know, of course I would be open to that. If it's a requirement.

COUNCILMEMBER PALTIN: I don't know if it's required for all, but it's a request. I think Ms. Del Rosario also got a ruling as well. So if it's not required, then you wouldn't do it?

MR. KANAHELE: No, I would be open to it.

COUNCILMEMBER KING: Mr. Forrest is on, he has a comment, I think, about that.

MR. FORREST: Chair Molina?

CHAIR MOLINA: No, hang on. Recognizing the Member first. Member Paltin, any other comments for Mr. Kanahele or questions for Mr. Kanahele at this time?

COUNCILMEMBER PALTIN: I guess too was...so the...the position that is specifically open is the Hawaiian cultural practitioner position. And I just was wondering if you could go over how...how you would contribute in that facet?

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

**January 4, 2022**

---

MR. KANAHELE: Well, other than, you know, being...being Hawaiian myself, and having grown up in Hawai'i all my life, and having spent a good portion of my life in South Maui, I think that I...I have personally engaged in cultural practice here in the South Maui area specifically when it comes to kilo, learning through observation what is still on the land. And I'm speaking about historic sites, cultural sites, and...and biota. Because I...I think all Kanakas must realize that when the...when the first migrations came here, Polynesians, they were Polynesians, but they were...they were transformed by . . .(timer sounds). . . what they found here, by the...by the...the biota, the native plants and other things to become what people call nowadays Hawaiians, or what many call Kānaka Maoli. The land transformed us in deep and meaningful ways to become children of this land, keiki o ka 'āina, because of what we found here and how we learned to...how my ancestors learned to subsist on...in this place with what was here only, without relying on nothing being shipped in, other than what they brought in on their canoes. So I have made a particular interest to study how that was possible by studying what is still here. And so I've become an enthusiast when it comes to Hawaiian archeology. And I've spent a lot of time walking the land, all the different mokus in this area and ahupua'a. And most especially in Honuaula, which is the moku I live in, in the ahupua'a of Paeahu, and studying what's there. Because I...I look at what's on the land now as...as like books. When you find a cultural site it's like a book, and...and it has a story to tell. And in order to understand that story, you have to see the connection that site has with other places around it. And you have to tune in to that place in order to...to either learn by, you know, studying with your eyes and seeing the connection of things, or studying books, or listening to people that have lived there for a long time, or...or studying resources that are available to you, or by your own practice, by being on the land and being out there and...and learning by observation what these things mean to...to you as a person who is from that place. And how the Kānaka were able to create a culture that was very specific and unique not only to Hawai'i as a whole, but to that very area like Honuaula, your own moku.

CHAIR MOLINA: Mr. Kanahele, sorry, sorry, I have to step in. The timer went off, and I think you gave a very good, solid answer to Member Paltin's request. So thank...thank you for --

MR. KANAHELE: Yeah, it's...

CHAIR MOLINA: -- your...your responses. At this point before recognizing Committee Vice-Chair Rawlins-Fernandez, I believe Mr. Forrest had a comment to make, I believe, on one of Member Paltin's earlier requests. Mr. Forrest, please go ahead.

MR. FORREST: Hi. Thank you, Chair. I just wanted to offer support to what Councilmember Paltin said. The...this Committee has recommended that other nominees get ethics opinions, particularly when we're dealing with an administrative assistant that is also going to be on a board or a commission. The Ethics Commission [sic] has come back with very consistent advice that there would be no per se ethical violation. So I don't think, you know, the...from...from reading the opinions, there wouldn't be a per se

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

**January 4, 2022**

---

violation. It's...it's the same thing that...that goes on with Councilmembers that, you know, on a particular issue, a Member might have an ethical problem. So you know, just wanted to...to support what Councilmember Paltin said, that other people had gone through this process, but also to add that when they did go through the process, the Ethics Commission [sic] has been consistent in saying that there is no violation. So I don't think that should hold up this. If you want to be consistent, you can...you can do what the board...what you guys want to do. Just wanted to make sure you're clear that it's not something that we recommend or oppose, but we pretty much see that if there was a ethics, you know, evaluation that it would come out the same as it had in the past, and that's all. Thank you.

CHAIR MOLINA: Okay. Thank...thank you for your thoughts on that, Mr. Forrest. So as I gather, it's more like a policy decision of this particular Council, and to maintain consistency that we've previously practiced with other individuals who've applied for boards and commissions that work for a Councilmember. So okay, appreciate that insight or thoughts on that, Mr. Forrest. Let's go to Vice-Chair Rawlins-Fernandez, questions for Mr. Kanahele? Please proceed.

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

MR. KANAHELE: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you for always continuing to serve the County and the community. Appreciate all you do. Many of my questions or two of the three of my questions were already answered in Member King's opening remarks, as well as your own. I...I wanted to first ask a question regarding this seat. So the requirement for this seat is one, a college degree in a relevant field; two, work history that demonstrates appropriate level of knowledge; and three, substantial experience as a Native Hawaiian traditional and customary practitioner. For the record, which of the three or...or all of the above do you...do you qualify for?

MR. KANAHELE: Oh, I think not number one, I think that was a college degree. So either number two or number three, or a combination of both two and three.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Perfect. Mahalo for putting that on the record because I...I believe that you're qualified and...and I fully support your nomination to fill this seat. And I think you would be a tremendous asset in serving our County in this capacity. So that was that question. Let's see, the third question, if you would like, because I think you already spoke to this, is there anything else you would like to add regarding how you envision contributing to this commission...or committee?

MR. KANAHELE: Well, I think over the years I've gained a substantial understanding of the development of the South Maui area, the growth and...and the impacts of growth to the South Maui District. Everything from reading the Kihei-Mākena Community Plan and becoming familiar with that, to participating in design review committee meetings when

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

**January 4, 2022**

---

I was on the KCA and reviewing projects, to meeting with developers, whether it's in those kinds of meetings or it's actually on the land when we were discussing archeological inventory surveys or cultural impact assessments. . . .(timer sounds). . . So over the years I had many opportunities to meet with many folks and learn many things about this area and its potential for growth and development, and what that means and...and how to...how to govern that in a...in a smart way.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Okay. Members, any last request for questions for Mr. Kanahele? I see Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Mr. Kanahele. I see that on your application that you are a Maui County Cultural Resource Commission Vice-Chair 2020 to present, and commissioner 2019 to present. So are you still on the CRC?

MR. KANAHELE: No, I'm no longer on the CRC. I resigned from the CRC effective December 31st.

COUNCILMEMBER SUGIMURA: Okay. So that means you wouldn't have a conflict of being on two different boards or commissions. Okay. And in...in terms of your Hawaiian cultural knowledge, it sounds like you're self taught.

MR. KANAHELE: Yeah, I mean, I've acquired a lot of knowledge on my own, but I've had a lot of good teachers over the years. Plant...you know, Native Hawaiian plant teachers, folks that have taught me about archeology, historic cultural sites. A lot of these folks have been archeologists themselves, or people who study history. I'm very interested in history. And so I've had a lot of mentors that have taught me. And then I've...I've gone out on my own and studied things, you know, reading on my own, but I mean actually going out on the land. I love walking the land, it's one of my favorite things to do. I don't think you can know any place without walking the land and becoming familiar with what's there, whether it's gulches or hills or...or whatever historic properties are left there. I...I don't think you can be a planner, really, without actually walking the land. You do everything on a computer, it's not the same because there's something about walking the land. That's why I enjoy doing the kaapuni as many times as I did, walking around Maui, because it gave me a real good sense for what Maui is all about by actually walking the whole thing. So that...that is something I love to do, I love to walk the land, I like to be out there in nature, and to see things for myself with my own eyes and feel it and touch it. I...I learn a lot that way, and I learn a lot intuitively too by my na'au. I think we have several learning centers, and the na'au, the gut, is a very important learning center besides our...our koko, our brain...I mean our po'o. Sorry.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. We have Chair Lee with questions for

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

**January 4, 2022**

---

you, Mr. Kanahele. Chair Lee?

COUNCILMEMBER LEE: Hi, Daniel. I...I have no doubt --

MR. KANAHELE: Hi, Chair.

COUNCILMEMBER LEE: -- that you're qualified for this position; however, there could be a perception of conflict. And in a sense, you'll be working for two masters. Us, the Council, because you're really advising the Council, and...and then your employer, your immediate supervisor would be, of course, Member King. So one way I think to offset any questions of conflict would be to agree to getting an opinion from the Board of Ethics. And that way it's...it's in a validation that there is no conflict. And to me, it'll be better for both us and you if you are willing to consent to getting an opinion. How do you feel about that?

MR. KANAHELE: I think if it's the consensus of the body that that happen then...then it's something that I would be willing to do. Just speaking for myself, you know, as an individual, I'm very independent minded, I've always been that way. I always prided myself in being an independent thinker. It's just my nature. So no, I...I...I...

COUNCILMEMBER LEE: I don't doubt that, Daniel, I don't doubt that. But I just say, you know, perception-wise, I think it would be better for everybody. However, as you say, you know, it...it takes five votes, but that's why I was asking if you would be willing to...to submit to receiving an opinion from the Board of Ethics.

MR. KANAHELE: Sure. If it's --

COUNCILMEMBER LEE: Okay.

MR. KANAHELE: -- if it's the...if it's the will of this body that I do that, then I would submit to that.

COUNCILMEMBER LEE: Thank you.

MR. KANAHELE: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Chair Lee. Members, any other last questions for Mr. Kanahele before the Chair makes a recommendation? Okay. Seeing none. First of all, thank you, Mr. Kanahele, for taking time out to share your thoughts on why you'd like to be a member of this advisory committee. And...and I appreciate you being very open and receptive to getting an opinion from the Ethics Board. And I...I would agree with Chair Lee, and I guess Member Paltin's suggestion, to go ahead and do that. One, because it's being consistent with past requests for other nominees that this Council, and I think a previous Council, has made of nominees who are employed by a Councilmember, and just for the comfort level of the Members who do have concerns



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

**January 4, 2022**

---

about the perception of conflict. So honestly, I don't think the Ethics Board, based on what I've seen previously with the other nominees, they'll tell you not to serve. They'll probably just advise you that if there is a potential conflict that does arise that you abstain from voting on whatever that issue may be. So you have my support. And before I make my recommendation, Chair would like to recognize the presence of Member Kama to our meeting this morning. Good morning, Member Kama. Happy New Year.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and to all my colleagues. And I'm so glad that I'm here now. Thank you. Aloha.

CHAIR MOLINA: Aloha. All right. With that said, Members, then the Chair's recommendation is to recommend the adoption of the proposed resolution approving the appointment of Daniel Kanahale to the South Maui Advisory Committee to the Maui Planning Commission for the County of Maui. Chair will entertain a motion.

COUNCILMEMBER KING: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Moved by Member King, seconded by Committee Vice-Chair Rawlins-Fernandez. Any discussion on the motion? Okay. We'll recognize the...the movant, Member King, followed by Member Paltin.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I think Daniel will make an excellent addition, and I'm really thankful that...I...I personally did not want to ask him to step down from the CRC to do this, but he came up with that idea on his own, that he would step down from the Cultural Resources Commission so he could fulfill this position. The previous person we thought that we would get into this position declined because of the amount of work and because he has young kids at home. So we...we've made several attempts. And so I really want to thank Daniel for stepping up to this position. As far as the potential conflict, I'm pretty confident there's no conflict, but I understand that...that maybe some Members would like to get that opinion. I just want to caution this body that I don't think having done it before makes...is a reason for us to continually keep asking for these opinions from the Board of Ethics. And I've spoken to the Board of Ethics about this type of thing. They don't like having to repeat the same type of...of opinion making over and over again, because they use the previous opinion to inform other opinions. You know, the fact that we have had other folks, both in my employ and Member Paltin's employ, apply for other commissions, boards and...you know, serve on other boards and commissions. It sets the example. And so I don't think we should do it just...just to do it every time because we're asking everyone. I think we should...that's the way the law works, you know, as far as I know is that, you know, once you get an opinion, you can refer to the previous cases. But yeah, you know, I understand if some folks have...have that issue. I don't, and I think the fact that I had another staffer go through that Board of Ethics opinion to serve on a commission has

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

**January 4, 2022**

---

probably set a precedent. So I didn't really think we had to do it with Member Paltin's employee either, but I'll just leave it up to the body to decide if they want to go forward with that...with that recommendation.

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

COUNCILMEMBER PALTIN: Thank you, Chair. I think that this is a better fit even than the CRC for Mr. Kanahele. That being said, I...I would feel more comfortable with a Board of Ethics ruling. I'm not sure the process on that, but I'll just leave it at that.

CHAIR MOLINA: Thank you very much, Member Paltin. Members, any other request to speak on the motion? We have Committee Vice-Chair Rawlins-Fernandez. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I support the motion on the floor. I wanted to add my comments to the issue of having the precedent of all EAs, Councilmember EAs, seek conflicts of interest opinions from the Board of Ethics. I'm curious, perhaps this Committee, you know, if it's procedurally appropriate, could ask the Board of Ethics to weigh in on all EAs. If...if the...the fact is that...you know, if the...if the concern is that...is purely because a person is an executive assistant to a Councilmember, that that...that in and of itself is the perceived conflict, that perhaps we can have the Board of Ethics provide a blanket opinion on that. While I recognize that it could be fact specific, so if the individual, the nominee, has other potential conflicts of interest other than working for a Councilmember, then perhaps that person could go and get an opinion from the Board of Ethics. But if the only concern and perceived conflict is their employment by a Councilmember, then I think it would save everyone time if the Board of Ethics just provide an opinion based on that. And so I don't know how we could procedurally do that, if it would be appropriate procedurally. And I don't know if you would like us to ask Corporation Counsel or OCS attorneys for their opinion on that. And then that way we don't have to go through this discussion every time a Councilmember's EA is nominated. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. I think you made some very good points. Before I recognize Member Kama, let me ask Mr. Whittaker. First, Corporation Counsel oversees the Board of Ethics, get Corporation Counsel's thoughts on providing us, I guess, a blanket opinion from the Ethics Board when it comes to the nominations of EAs for Councilmembers and the like. Mr. Whittaker, would you like to share your thoughts on that?

MR. WHITTAKER: Sure. Thank you, Chair. Of course, I'm sure the Board of Ethics would answer that question if it was posed; however, our recommendation is that the Board of Ethics needs to look at each specific situation individually because different boards may have different powers. So for example, having an EA be appointed to the Charter Commission would be very different than having an EA appointed to an advisory board such as this one. So a blanket opinion wouldn't really assist in more specific situations, but you may request one through a letter from the Board of Ethics, and it may be helpful

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

**January 4, 2022**

---

on a very general level.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. And something else that kind of came to mind, when you do get approved to be a board and...board or commission member, like elected officials, you'll also have to fill out a financial disclosure form. And certainly, things may surface on a financial disclosure form that could potentially cause some conflict or perceived conflict with a board or commission member, whether they work...work for or not work for a Councilmember. So anyway, just wanted to add that. Vice-Chair Rawlins-Fernandez, you had something else to add?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So based off of Mr. Whittaker's comments, then perhaps what we can do is just do a list of all boards and commissions and committees, and have an advisory opinion from the Board of Ethics weighing in on every board, commission, committee, whether there would be a conflict or not. And I was hoping Mr. Whittaker would be able to expound on why he thinks that a Councilmember's EA potentially would have a conflict in serving on the Charter Commission versus the CRC or whatever example he used?

CHAIR MOLINA: Okay. Mr. Whittaker, you have something you'd like to add to that potential request?

MR. WHITTAKER: I have...you know, I can't predict 100 percent what the Board of Ethics would say, but you know, each board has different powers. The Charter Commission could potentially put a question on the ballot on your term of office so, you know, two years, four years, or how you're elected. And so, you know, because that could affect your direct interests, there may be a little bit more of a conflict than advising the Planning Commission, for example. So they may have different findings depending on...on that. But just so you know, that the Charter does speak to this and it does say explicitly that employees of...of the County are eligible to serve on boards and commissions, and of course, it says provided that such service does not result in a conflict of interest.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Mr. Whittaker. I disagree with your opinion that an EA of a Councilmember...I mean, for the same reason that an EA would be able to serve on any other board or commission, that it...it would be free of conflict of interest for the Charter Commission as well for that...for that same reason of being an independent thinker. So I...yeah, but I...as far as having a list of all the boards, commissions, committees and having the Board of Ethics weigh in on potential conflicts of interest for EA...Councilmember EAs and having an advisory opinion on each of those, your opinion on that?

CHAIR MOLINA: Anyway, well, what I'll...I'd like to recommend and at some point we'll get an item maybe submitted to Committee related to this and we can have a much more thorough discussion on this as to where we'd like to go with this. Because it certainly is a very interesting topic to consider. So anyway, but what I'd like to do is to get back

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

**January 4, 2022**

---

to Mr. Kanahele's nomination. And I see Councilmember Kama had some comments on the motion. Go ahead, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Actually, I think when I came on I wasn't even sure what the motion was. Is it to approve with --

CHAIR MOLINA: Yes.

COUNCILMEMBER KAMA: -- him going before the Ethics Committee [sic] or just to approve?

CHAIR MOLINA: To approve. Again, I guess maybe we can call it a preference from some Members for Mr. Kanahele to go and get an opinion, and he's stated openly that he's willing to do that.

COUNCILMEMBER KAMA: Willing.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: Okay. Okay. So the motion is to approve with the recommendations from the Council to be able to get an opinion from the Ethics Committee [sic]. Is that what that is, no?

CHAIR MOLINA: Well, it's just a motion to approve, but again, with --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- a preference...a suggestion to him from some Members to go and getting it. So...but again --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- the motion on the floor is just to approve. And of course, it would be up to Mr. Kanahele to go and get an opinion, but he's already stated to us that he's open to doing it.

COUNCILMEMBER KAMA: Okay. Okay. So I understand what the motion is now, and I...and I support the motion. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you. Chair Lee?

COUNCILMEMBER LEE: I think we need some clarification for Mr. Kanahele that the recommendation for him to seek a Board of Ethics opinion comes from at least five Members or more.

CHAIR MOLINA: Yeah.

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

**January 4, 2022**

---

COUNCILMEMBER LEE: Yeah?

CHAIR MOLINA: Now...now, Chair Lee, again, we could add...if you like to amend the motion to add that caveat in there, I guess you...we could do it that way. That way...I mentioned my recommendation to Mr. Kanahele to get an opinion, Member Paltin, yourself, that's all I've heard from, I think three. Do I have...maybe my count is off. But one way we could do it is again, if you'd like to amend the motion that Mr. Kanahele get an opinion from the Ethics Board.

COUNCILMEMBER LEE: Well, I can...I can see...as long as, you know, we're doing like a--I hate this word--gentlemen's agreement. Mr. Kanahele can count, he can see that there's a sufficient people on the Council...sufficient number of Members who would like him to get an opinion. And if he just does it, that's fine, because we don't want to spend an...you know, an inordinate amount of time on this one item when all of us, the bottom line is, agree that he is qualified, and the bottom line is that we want him to be on this advisory committee. So if...if...you know, if he could just informally consent to getting the opinion, that's fine with me. I don't really believe we need an amendment requiring --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- him to get one.

CHAIR MOLINA: Okay. So for the record, yourself, myself, Member Paltin. Anyone else would recommend Mr. Kanahele get an opinion? Okay. Member Kama, Member Sugimura. Anyone else? That's five. Okay. There's your five Members who are asking you, Mr. Kanahele, to get...get an Ethics opinion. And I know you're an honorable man and you'll...you'll go ahead and...and...and get that opinion sometime down the road, yeah. So...okay. All right. Member...or Vice-Chair Rawlins-Fernandez, you had a comment, second and last time to the motion on the floor, which is to approve Mr. Kanahele?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Chair Lee, for making that clear for Mr. Kanahele so that he has clear direction. And mahalo for not amending the motion to require that he seek an opinion from the Board of Ethics. I...I support that, you know, advisory opinion from the Board of Ethics for now for Mr. Kanahele, and not continuing this precedent that we started, and eventually having a blanket advisory opinion that will prevent us from having to ask this...this...or request this every time. And I see this advisory opinion from the Board of Ethics as just a protection for him, Member King, and for the Council until such time that we have that blanket opinion from the Board of Ethics. So mahalo, Mr. Kanahele, for getting that opinion for now. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Any other discussion on the motion before the Chair calls for the vote? Okay. Seeing none. All those in favor of

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

**January 4, 2022**

---

supporting the nomination of...appointment of Daniel Kanahele to the South Maui Advisory Committee, please signify by saying "aye" and raising your hand. Aye.

COUNCILMEMBERS: Aye.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin had a question.

CHAIR MOLINA: Oh, I'm sorry, I missed that. Member Paltin, speaking to the motion.

COUNCILMEMBER PALTIN: Thanks. I had a second and final. It was just that, you know, whether or not we continue with the Board of Ethics ruling, in my experience, the questions that they asked to my aide we could incorporate that into the process if they give a ruling that their ruling stands. And some of the questions that I recall were that the service on the board or commission was a volunteer, and it wasn't any part of their paid duties in their work for the County. And I don't know if we did ask that question in this thing because I had figured the Board of Ethics would ask that question. And maybe the other question was something about me not influencing the decisions that the employee makes in that volunteer capacity, that they be their decisions and their decisions alone. So if we get a ruling from the Board of Ethics in the future that we don't need to continue to do this, maybe we should incorporate those questions into our questioning, is just my...my discussion.

CHAIR MOLINA: Okay. Thank you for your thoughts on that, Member Paltin. Okay. Members...

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Okay. Member King, second and last time on the motion.

COUNCILMEMBER KING: Yeah, I just wanted to thank Member Rawlins-Fernandez for the idea. I think the idea of going to the Board of Ethics for a general ruling is excellent, and we can save them some time in the future as well. But I also wanted to make note that I did discuss this item with Mr. Kanahele, that his...his work on the advisory committee is separate from his work as my district office Staff, and that it wouldn't be considered part of the hours that he would be getting paid for. Because previous to him...you know, when we didn't have somebody on there, I had talked to him about covering the meetings. We didn't have somebody as a...as a Native Hawaiian expert. I had talked to him about covering the meetings as part of my Staff. And then now that he's becoming an official part of the...the committee, you know, we discussed that now this is all your own time, so you wouldn't be getting paid for the hours you spend on this voluntary committee. So anyway, I just wanted to...to let you know that I did ask that question when we...when we talked about him applying for this position. And then...and I have no doubt that he will be making independent decisions, and I have no intent of influencing him. But the other comment I wanted to make was, you know, on the idea of the Charter Commission, I agree with...with Vice-Chair Rawlins-Fernandez

# Council of the County of Maui

**January 4, 2022**

because...that it's...it wouldn't...I don't see the conflict there because we've made rulings for the Charter...for Charter amendments about our own terms, you know, terms of...we put it on the...on the ballot, and we...and it passed. So you know, if we have the authority to put things on the ballot, then why would it be conflict for one of our Staff to put something on the ballot that affects our position as well? I mean, I just...I think that...I just wanted to say that, that we've...we've actually done things that affect our own positions as well. And that wasn't...we weren't told that was a conflict. So anyway, just...just I think this is a really good discussion to have. And I hope, maybe...I don't know, Vice-Chair, are you going to send this to the...to the Committee through the Council, or should I...one of us will do it.

CHAIR MOLINA: Yeah, that's a good...good recommendation at this point. Okay. Seeing no other comments on the motion on the floor, the Chair is going to call for the vote. And again, this is to approve the appointment of Daniel Kanahale to the South Maui Advisory Committee and with a recommendation from a majority of Councilmembers to seek an opinion from the Ethics Board. Okay. All right. All those in favor, signify by raising your hand and saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it eight “ayes”...excuse me, will mark it nine “ayes.” There we go, Member Kama is joining us. So nine “ayes” with no opposition.

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT: None.**

**EXC.:** None.

**MOTION CARRIED.**

**ACTION: ADOPTION OF RESOLUTION TO APPROVE DANIEL KANAHELE TO THE SOUTH MAUI ADVISORY COMMITTEE.**

CHAIR MOLINA: Thank you, Mr. Kanahele, for enduring this discussion, and hopefully we

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

**January 4, 2022**

---

didn't scare you off, that you're still interested in serving on the South Maui Advisory Committee. So...but thank you, Daniel.

MR. KANAHELE: It would take more than that.

CHAIR MOLINA: All right. I like that.

MR. KANAHELE: Thank you.

CHAIR MOLINA: Thank you. Okay. Members, we spent a lot of time, unanticipated time on this item and some of our previous items, so I'm going to ask for your availability after 12:00, Members, if you can stay. I'm hoping...if we don't finish by 12:00, I'd like to finish both items today. Your availability to serve until 12:15, 12:20 today, everybody okay with that? Because we do have a 1:30 APT meeting with Member Sinenci. Okay. Seem like I've got consensus from everyone that can go up until at least, say...let's call it 12:20 today, 20 minutes overtime we have to go. Okay. I see a thumbs-up. And with that said, Members, you have certainly earned a break this morning. So let's take a recess and come back at 11:00 a.m. The GREAT Committee meeting for January 4th, 2022 stands in recess until 11:00 a.m. . . .*(gavel)*. . .

**RECESS:                    10:49 a.m.**

**RECONVENE:            11:02 a.m.**

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting for Tuesday, January 4th, 2022, is now back in session. The time is 11:02 a.m. Thank you very much, Members, for that break. We've had a very interesting discussion on our three nominees for our respective boards and commissions.

**GREAT-41:            POLICE COMMISSION COMMENTS ON ORDINANCE 5174 (2020), ESTABLISHING  
CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL-HOST LIABILITY**  
(CC 21-385)

CHAIR MOLINA: And now we'll go into our last two agenda items for today, the first of which is GREAT Item 41 related to the Police Commission's comments on the social host liability law. Members, the purpose of the proposed resolution is to require the Police Commission adopt administrative rules and administer the appeals process. And earlier you approved the...having Mr. DeRego, the Police Commission Chair, as well as Mr. Collins, who helped initiate the social host liability law, to serve as resource personnel as we discuss this proposal here today. I'd like to recognize our Corporation Counsel Jennifer Oana to give opening comments. Ms. Oana?

MS. OANA: Thank you very much, Chair Molina, for scheduling this matter. So back in June, the Police Commission got word that you folks passed this social host liability ordinance. The coalition reached out to the commission to ask the commission if we needed any



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

**January 4, 2022**

---

help in implementing this new law. And that was really the first time that the commission learned that you guys adopted this new law. In reading it over, the Chair and I, we're going...we're going to propose these changes that you see before you. So we scheduled it at a commission meeting, and the commission reviewed it. They...they agreed with the substance of that, but they did have other concerns that they wanted to discuss with you. And so the commission authorized Vice-Chair Patnode to meet with you to discuss the commission's concerns. After that meeting that Vice-Chair Patnode had with you, Chair DeRego asked me to follow up with your office to see what you're going to do, whether you're going to hear this amendment, and that's really when I became involved meeting with your Staff to kind of explain more why the commission needed this amendment to go through. And that's basically because the Charter does give the Police Commission the authority to hire and also discipline and dismiss the Chief, the Police Chief. The Charter also gives the Police Commission authority to adopt its own administrative rules necessary to conduct its business. So the current social host liability ordinance that you guys adopted requires the Chief to adopt the rules with regards to the appeals provision of this ordinance. And while the Chief may adopt rules or...or standard operating procedures with regard to the process and procedure on how MPD should issue these notices of violation, it really should be the Maui Police Commission who adopts its own rules, administrative rules, to handle the appeals process. So that's why really this is...you know, we asked that you bring this forward in your Committee just to change a little bit of things with the ordinance that has already been passed. And if you look at the...in the meeting materials, a copy has been provided to all of you folks. Simple...simple word changes, from the Chief adopting the admin rules to the commission adopting the admin rules. I did add something that, you know, we're not married to at all, the commission is not married to, but I did add that Section D in 9.40.050 [sic] which says a person filing an appeal may...must pay a fee as established in the annual budget ordinance. The Board of Water Supply has an appeals process, and they also require a fee, so I kind of just added that in for your folks' consideration. Because it is...you know, there's a lot of work, and there may be a lot of paper and other office things that need to be paid for during appeals process. And then the last part of the changes is just to kind of reword that the administration section in 9.40.060 where it says the Chief will administer the chapter. We just added a little caveat at the end, except that the Police Commission will administer the appeals process. So this is really a simple change that I think is necessary for the Police Commission to move forward in implementing this appeals process to this new law. Thank you, Chair. And you know, I'm available for any questions.

CHAIR MOLINA: Okay. Thank you very much, Ms. Oana. I think...I certainly agree that this is a reasonable request to make. And Members, for the records, we did invite the representative from the Police Department to be here. Maybe Mr. Paredes or Ms. Espeleta or Staff, have we had any...any signs of someone from the Police Department to give comment on this proposed amendment at this point?

UNIDENTIFIED SPEAKER: Mr. Chair, there have been several attempts to reach out to the Department of Police with no response. In checking the participant list today, I do

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

**January 4, 2022**

---

not...it does not appear that a representative from Police is on the call.

CHAIR MOLINA: Okay. Yeah, I was hoping we'd get the new Chief here at least, we could kind of get him...get his feet wet, so to speak, with this Council. But I'm hoping this is not a sign of things to come in the future when we make requests from the Police Department to send representation here. But...or else we can just take this as maybe the Police are...seem to be okay with this, they have no comments or...or pushback on this recommendation from Corp. Counsel to amend the social host liability to make it consistent, I guess, with the Charter. And again, to give the Police Commission the authority to make the admin rules, and not the Police Chief. So anyway, all right. With that said then, Members, the Chair will open up the floor for any questions for Ms. Oana. And again, as a reminder, Members, this law went into effect in September, and it applies only to Maui Island. It excludes Moloka'i and Lāna'i. And so I'll recognize first Chair Lee. And also, you know, before we do that, Ms. Oana, do we have any statistics at this point? Have there been citations issued since the law went into effect? And has there been any request for appeals at this point?

MS. OANA: You know, Chair, I'm not aware that any citations have been issued. I'm just not aware, but I have to doubt that because MPD has also been on hold with their administrative rules with regard to the implementing the process, the procedure for the issuing of the notice of violations.

CHAIR MOLINA: Okay. Well, that's very good information to know at this time. So I guess no need to ring the...I guess we had heard from...in testimony about, you know, maybe having other commissions review the appeals process. We have nothing yet, so this is just the Chair's opinion, the law is in its infancy, let's see how it unfolds as we go down the course of the line. And maybe a future Council, if the...it becomes so burdensome for the Police Commission to deal with unanticipated tons of appeals, if that be the case, then a future Council can consider having another board or commission deal with the appeals. But you know, we are not there yet, the law is in its infancy, so I don't think at this point any alarm bells should be rung at this point. So let's just see how the law unfolds and what kind of workload will occur if there are a ton of appeals where it becomes so burdensome for the Police Commission to handle, then a future Council can consider making a revision or change as to the appeals process. So with that said, I'll recognize Chair Lee for questions from Corporation Counsel...for Corporation Counsel Oana. Chair Lee, go ahead.

COUNCILMEMBER LEE: Deputy Corporation Counsel Oana, just wanted to verify that...that you would be helping the commission draft the rules? Because it seems like...there may be a little pushback because they...they don't know how to develop rules and promulgate rules. But that can be done by your office. And then they have a secretary assigned to the commission, right, so there is some Staff. And if they needed more Staff, that's just a budgetary item. So I...I don't think that Mr. DeRego's concerns are warranted at this time. I think there's sufficient help to help put those rules together and develop the process, which they can pretty much patent...patent after the Water

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

**January 4, 2022**

---

Department...Board...Board of Water Supply. So isn't that correct, Ms. Oana?

MS. OANA: Correct, Chair Lee. I would be helping them draft the rules and taking them all the way from...to the public hearing and...and the publication and all that. I'll be assisting them fully with all of that.

COUNCILMEMBER LEE: Okay. Thank you, Mr. Chair. I don't think they have anything to worry about.

CHAIR MOLINA: Thank you, Chair Lee. And Members, in the interest of time and trying to get you guys out of here and not cut into your lunch hours or break time for not only you but your Staff, Chair is going to limit it...question time to just two minutes per Members if you have any for Ms. Oana. Member King, go ahead.

COUNCILMEMBER KING: Thank you, Chair. So yeah, I...so we're just asking questions of Ms. Oana right now, not Mr. DeRego? Okay. My...you know, I know you asked if had there been any cases, but they can't really...they can't really enforce the ordinance until they have administrative rules, can they? Isn't that the first...don't they have to have administrative rules before they can even administer it, Ms. Oana?

MS. OANA: So it does say currently that the Chief will adopt administrative rules within 90 days. You know, as I read the...the ordinance as you folks adopted it, they could really do it without admin rules. Admin rules are meant to clarify or explain further how a law is going to be implemented. And it is pretty clear what they have to do in the ordinance itself. I imagine the admin rules are going to be very similar to the ordinance.

COUNCILMEMBER KING: Okay. But...okay. So they...they can actually administer this without having admin rules and without having an appeals process written out?

MS. OANA: Well, they can issue the...the notices of violation, and I would leave it up to the Department's attorney to basically advise the Police Department on whether they can do it without admin rules. But if the law is clear, and admin rules are not necessary for clarification or to describe how something's going to be implemented then, you know, they can issue the notices of violation already. We don't have an appeals process with the commission right now. There's a complaints process. There's process for, you know, disciplining the Chief.

COUNCILMEMBER KING: Right, right. But I'm sorry, I only have two minutes, so let me get my...so that was my concern because it does say in the ordinance that...that there would be admin rules written, and so they weren't written. So that was my thought, they're not going to really enforce this law until they have actually admin rules and an appeals process because that's part of that law. . . .*(timer sounds)*. . .

MS. OANA: Time limits for appealing, so we would want our Police Commission rules to be adopted, you know, before the first citation goes out. Because the people have a

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

**January 4, 2022**

---

deadline for appealing, and we want to be ready...we have to be ready.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Okay. All right. Thank you very much, Member King. Let's go to Member Kama, questions for Ms. Oana?

COUNCILMEMBER KAMA: Thank you, Chair. Yes. You know I always think about Hawaiian Home Lands, and I think about that a lot because of the history of that particular trust. So as a trust for Native Hawaiian beneficiaries, what kind of jurisdiction does the Police Department have on trust lands?

MS. OANA: Councilmember Kama, I'm not the expert on the, you know, trust lands or anything, but I do think that with regard to general police powers, the Police does have jurisdiction to enforce general police powers over trust land.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Member Kama, if you would like, maybe we could...maybe out of Committee we could make that request on your behalf, to just get a written statement from Corporation Counsel to, I guess, solidify Corporation Counsel Oana's statements on that, if that's your preference.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: We can do that.

COUNCILMEMBER KAMA: Yes, thank you. I appreciate that.

CHAIR MOLINA: All right. Thank you. Members, any other questions for Ms. Oana as it relates to the proposed language change to the bill? Okay. Seeing none. All right. Members...so again, Ms. Oana, I guess if you could again state for the record your changes to the bill, the language. And are you able to screenshare?

MS. OANA: Sure.

CHAIR MOLINA: Yeah, could you? Okay. Just for our...some of us are visual learners, so...

MS. OANA: Can you see that? Is that too big?

CHAIR MOLINA: It looks good...oh, I think it looked...looked better earlier on. But that's okay, I can still see it for me.

MS. OANA: Okay.

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

**January 4, 2022**

---

CHAIR MOLINA: Members, is that good?

MS. OANA: Can you hear me? Am I...am I on mute?

CHAIR MOLINA: Yeah. No, you're --

MS. OANA: Okay.

CHAIR MOLINA: -- you're coming in loud and clear.

MS. OANA: Okay. Good. So you know, of course. the first thing is just a correction to the subsection. It was printed as 9.04, so we're making that change. And then the...the first simple change is to substitute the word "Chief" for the "Police Commission" adopting admin rules to carry out the appeal provisions of this chapter. We did suggest...I think it might have been in conversation with your office to just take out the "within 90 days of the effective date of this ordinance." We will do this as soon as you guys, you know, pass it, if you do. And then this section is the one that I said that, you know, we're not married to, we're just kind of throwing it out as a suggestion to you folks to do an appeal fee for...for these appeals. And then the last change is just to the administration section where it says the Chief will administer this chapter, that the Chief may designate a social host administrator who may exercise the...exercise the Chief's authority under this chapter to the extent authorized by the Chief. And then we're adding this caveat, except that the Police Commission will administer the appeals process. So it is clear that, you know, the Chief has no authority or jurisdiction over the appeals process, it is for the commission. And then we're...we just added that it'll take effect on March 1, you know, after you folks pass this amendment to give us time to...to...to do the rules.

CHAIR MOLINA: Thank you, Ms. Oana. Members, all clear on the proposed changes to the bill? I see Member Sinenci, questions for Ms. Oana, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. I just had a clarification on the Item D, person filing an appeal must pay a fee as established in an annual budget ordinance. So I was just...what kind of range, or would it be an exorbitant amount of fee? Is there a set price?

MS. OANA: You know, Vice-Chair Rawlins-Fernandez probably has a better idea of this, but I believe the Board of Water Supply appeal fee is \$300. So you know, whatever you folks want to, you know, assign the appeal fee, it would be up to you folks.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Member Sugimura, questions for Corporation Counsel?

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

**January 4, 2022**

---

COUNCILMEMBER SUGIMURA: Actually, in relationship to Jen Oana's...her amendment, I want to ask Frank DeRego who's standing by what the process may be with the commission. So at the appropriate time, if I could.

CHAIR MOLINA: Okay. Let's first go to...I see Member Rawlins-Fernandez. I guess I want to keep it for now confined to questions to Ms. Oana, and afterwards we'll go to your question for Mr. DeRego. Vice-Chair Rawlins-Fernandez, questions for Ms. Oana?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I also saw our new Police Chief Pelletier's video pop on, so it's...

CHAIR MOLINA: Yeah, Chair's aware of that, yeah. *(audio interference)*

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I just wanted to make sure that you were aware. Mahalo, Chair. So my question or comments are regarding that Section D, a person filing an appeal must pay a fee as established in the annual budget ordinance. Like all fees, that is determined during the Budget Session, and that's a policy decision by this Council to set that fee. It's also a policy decision if we want to make that fee refundable if that person is...that...the appeal is granted, so that it doesn't become that kind of a barrier and a...and a punishment for someone who is deemed to not have been...not have violated the law. So I...I would...I would like for us to include that here, that...that language that would allow for the fee to be refundable if the commission determines that the...or that the person did not violate the social host ordinance. I don't have language for that at this moment.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I could work on that.

CHAIR MOLINA: Sure. Assuming that this gets out of Committee, then prior to first reading...or at first reading you could have that proposed language ready to have it considered at the Council level, if that's...if you're not ready today to submit that language.

VICE-CHAIR RAWLINS-FERNANDEZ: I see Ms. Oana with her hand up.

CHAIR MOLINA: Yeah. Okay. All right. Go ahead, Ms. Oana.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair...okay.

CHAIR MOLINA: Go ahead, Ms. Oana.

MS. OANA: Thank you. So I'm looking at Chapter 14.11, appeals to the Board of Water Supply, and it does have language that we can copy. The appeal section in full says a person filing a notice of appeal shall pay a fee as set forth in the annual budget. The fee for

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

**January 4, 2022**

---

filing an appeal may be refunded if the board renders a final decision and order authorizing a refund in full or in part. So it doesn't even say whether they won or not, but the...it gives the Board of Water Supply authority to...to issue a refund.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I would like to make that amendment. Ms. Oana, would you be able to put that in the chat? If...if the Chair deems that appropriate. Or...or at the time, because I think we don't have a main motion on the floor. So after we have a main motion on the floor, I would like to make that amendment to the...

CHAIR MOLINA: Yeah, that would be more appropriate. Let's do that right now. Right now at this point the Chair wants to just get comments from...or have questions asked to Ms. Oana. And...and in light of the fact that you did mention, and the Chair is also aware that Chief Pelletier is now with us online. And I know Member Sugimura had a request to get a...or had questions for Mr. DeRego from the Police Commission. We'll get to that. But just I'd like to welcome Chief Pelletier to our meeting today, and to get any thoughts on this...the social host bill, as well as the proposed language from Corporation Counsel. So aloha, Chief Pelletier, appreciate you...I know you're a very, very busy person, and were unable to get a representative of the Department to be here, but we're...we're glad that you have made the effort in person as the Chief to share your thoughts with us. Welcome to the County of Maui, Chief. All right. Chief, can you unmute yourself there? We're not able to hear you at this point.

MR. PELLETIER: Can you hear me now?

CHAIR MOLINA: Oh, you're good. Very good. Go ahead, Chief.

MR. PELLETIER: Oh, perfect. Perfect. Thank you so much. So here's the thing is, representative of the Department, you got me, and so I...I say that please forgive me and...and my...my apologies to the Committee, little bit of a communication issue. And...and you can...you can blame me as far as the invite. I thought today was a...simply a formality as far as moving this. So please don't...don't blame anybody, if you want to blame somebody, blame me, I'll take that. But it means a lot that one, I'm allowed to speak, and I really do appreciate the...the welcome on that. So let me cut right to the chase, if I may, on this particular item. It's social host liability, and if we really look at that and we really dissect it and we really go down to this, we're talking about something that's not criminal. We're *(audio interference)*

CHAIR MOLINA: Chief, if you can hear me, we're having some audio difficulties. Yeah, there you go, if you could turn off your video. Go ahead and speak again, Chief.

MR. PELLETIER: *(audio interference)*

CHAIR MOLINA: Okay. I guess we're having some technical difficulties. Chief, if you can hear

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

**January 4, 2022**

---

me, we're still having some audio difficulties with you. It looks like you're in a vehicle. Maybe what we'll do, we'll come back to you, Chief, to help clear up any technical difficulties. We'll come back to you, Chief. In the meantime, Members, I think Member Sugimura wanted to ask Police Commission Chair DeRego a question. So right after your line of questioning, we'll...we'll come back and check with Chief Pelletier and see how he's doing audio-wise. Member Sugimura, you have the floor.

COUNCILMEMBER SUGIMURA: Thank you. Is...is he still on?

MR. PELLETIER: *(audio interference)*

COUNCILMEMBER SUGIMURA: He's trying to speak.

CHAIR MOLINA: Yeah. Chief, if you could go ahead and...and mute yourself at this point and we're still having some audio difficulties. Or Staff, if you could mute the Chief temporarily? Okay. Good. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Mr. DeRego, Chair of the Police Commission. And I...as we were talking about this process with this social host ordinance, I wonder from the commission perspective, you could...if you could share some thoughts.

MR. DEREGO: Yeah. I...I...

CHAIR MOLINA: Member Sugimura, before I let you ask that question, again, I want to keep the question confined to the proposed amendment here. I think Mr. DeRego in his letter, and also in testimony, kind of expressed some of his thoughts on that. But in the interest of time, I'd like your question to be confined to the proposed amendment from Corporation Counsel, if we could keep it towards that.

COUNCILMEMBER SUGIMURA: I guess the...well, commission must adopt administrative rules to carry out the appeal...appeal process for this chapter. So since they're going to be implementing it, I just wanted to have his thoughts on it.

CHAIR MOLINA: Okay. Go ahead --

COUNCILMEMBER SUGIMURA: Yeah?

CHAIR MOLINA: -- go ahead, Chair DeRego.

MR. DEREGO: As commission...as Deputy Corporation Counsel Oana outlined, that we would have to develop our own rules, at this point I imagine there's been some work on that as the Department was developing some rules, so we might take some of the work that was done there. But we do have our own processes in terms of complaint and appeals. But we will have go out and find another sort of model to be able to manage this



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

**January 4, 2022**

---

particular issue in terms of having the appeals process. I just want to remind though that...to add a comment, and I'm going to ask the indulgence of the Chair. This...this kind of process is way outside the wheelhouse of what the commission currently deals with. This would make us judging members of the public instead of focusing in on the Department. So I think that is something, you know, even though we're focusing on this, that...that the...the commission was concerned about. So thank you, Chair, for your kind indulgence.

MR. PELLETIER: Chair, I jumped back on if you can hear me. I apologize about that. I  
*(audio interference)*

CHAIR MOLINA: Okay. No problem, Chief. Okay. Thank you, Member Sugimura, for your line of questioning. Chief Pelletier, please go ahead and continue with your thoughts on the proposal today.

MR. PELLETIER: Sure thing. Again, I apologize. I can't stress enough that the Police Department has got to deal with criminal issues...criminal issues, not civil issues, not issues that blur the line on whether it's society's role or the police role. There should be no blurring of that, no confusion of that, especially in the climates that we have found ourselves in after last year in America in policing. The numbers I just got yesterday on the Department puts MPD at below 300 officers for the first time. We are below 25 percent...we have a greater than 25 percent vacancy, which the best way I could explain it is cut off one quarter of your body and be asked to perform at the same standard. That's like taking a sprinter and saying hey, go run this race, but we're going to take your leg off. And I say that because for us to increase the Police Department's role right now is a grave mistake. There's other units or areas of responsibility for this. I would recommend Liquor or other...I understand that I'm new, I get that, but there should not be a reaction of just hey, let's assign this to the Police. If we've got a party, it gets out of hand, something happens, there's...there's remedies in the court to get that compensation. But to have a call for service and have the Police respond to this really is not the case. We need to be addressing violent crime. I know that two-thirds of the three islands this is exempt, so why create a policing model here that then doesn't have equal protection or equal service? Again, that's something that I really would strongly urge that we not do because it has to be equal protection under the law for everyone. And I think that because the leadership of Moloka'i and Lāna'i have properly exempted themselves, I would...I would say that we really have to take the lead on that and really look at whether this should even be a Police function or not. And my strongest argument would be, Chair, with all due respect, we don't have the manpower, one, to address it; two, this is not a traditional law enforcement model; three, it's not criminal; and four, we would be creating an unequal protection under the law for the citizens here. And for all those reasons, I would strongly urge that we decline moving this forward. Thank you.

CHAIR MOLINA: Thank you for your comments, Chief. But you know, it's already a law, it went into effect September. But you know, we're just dealing today with the proposed

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

**January 4, 2022**

---

language from Corporation Counsel to give...I guess reword the language as far as the admin rules to give that responsibility to the Police Commission rather than the Police Chief. So anyway, all righty, Members, any questions for either the Chief or Ms. Oana or our resource personnel? Again Members, want to remind you, two minutes. And we do have another time sensitive litigation matter to deal with, so again, Members, please be concise with your questions, and let's see how we go. Because again, it looks we're going to past 12:00, and again, I have your commitment to go as late as 12:20, possibly 12:30. But anyway, all righty, who has questions? I guess we'll call upon Member Sugimura, followed by Member King.

COUNCILMEMBER SUGIMURA: You know, I don't really have a question. I just totally appreciate what the Chief just said. It makes so much sense what...right? We're creating a...we created, past tense, a law that's inequitable for the whole County, and I did get that question after we passed this law, what about Lānaʻi and Molokaʻi, how come we don't care about those families? I was just like devastated. But Chief is so correct, right? 25 percent, operating with less...you know, I love your analogy about cutting half your or, you know, quarter of your body off and trying to run a marathon. But I think we've just created a problem, and I would...I...I just totally respect what he just said. Not a question for you really, but it makes so much sense, right? Thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Before I recognize Member King, I would like to add, the previous Police administration supported this law, and I didn't hear any comments of the concerns that you expressed previously last year. But I'm just stating for the record what was...what was there before, the previous administration supported this. Now certainly, the new administration under Chief Pelletier can certainly state their concerns or objections, but I didn't hear any of that concerns that you're saying...that you're now expressing previously to this. And I know you've certainly been an advocate against underage drinking, and you've certainly been a champion there. But we do have the law that there's right now. Now certainly, if you or any...a majority of you want to oppose, maybe possibly repeal this law, then certainly you're going to have to deal with parents. We had support from MADD, you know, Mothers Against Drunk Driving who support this kind of legislation, who lost their young...young...many young lives have been lost to this type of activity, underage drinking. So I just want to make that point. So you know, I...I...in my opinion, as the Chair and as someone who helped propose, push this law forward, I'm trying to find the right balance. We had Mr. Collins as well, and all of the...the coalition that we all have stated support for many of their concerns. And with regards to Molokaʻi and Lānaʻi, that was a path chosen by their representatives. Now, whether that's appropriate for Maui Island, I would ask that the same respect be given for the representatives on Maui Island where we may have a different view on things. So I think that needs to be respected. But again, this is all about balance, and so we're all entitled to our opinions of the law. But we ended up passing the law, and so this is what we have on our hands. But again, there are mechanisms for if you want to repeal this law, you certainly have that...that right if you can get the majority of Members to go with your...your...you know, if that's the path you want to take. But anyway, enough of my pontification here. Member King, questions

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

**January 4, 2022**

---

for either the Chief or the...our resource personnel?

COUNCILMEMBER KING: Okay. Thank you, Chair. I do have a question for the Chief. Aloha, Chief Pelletier. Thanks for being here. I...what I'm hearing is not necessarily a request to repeal the law, but to put it in the hands of like the Liquor Department or Liquor Commission. I mean, we...we charge the Liquor Commission with enforcing liquor laws against bars and establishments like that. So is that what you're saying? Is it...is that...you know, I...I...that's what I'm hearing from you, is that this is not a function of the Police Department, but it should be a function of the...another department, or are you just saying you don't like the law?

MR. PELLETIER: Well, first off, if I may, nobody cares more about children putting themselves in harm's way...

COUNCILMEMBER KING: But Chief...Chief, you know, I only have...I only get two minutes, so if you could answer the question...

MR. PELLETIER: No, no, no. Okay. Then I'll just say...I'll just...just reference the Chair's comment, nobody cares more about that than I, and I don't think that it's fair to...to label that just because I'm opposed to the implementation the way it's written that we would. So just let me be very clear on that. I...I don't like the fact that we have...it's called social liability. It doesn't say criminal, it doesn't say that...that those are...we're...we're...we have basically what is a civil issue and we're trying...we're trying to put it into a criminal mold, which is not where it fits. This is...this is something that should not be handled by MPD as the enforcement arm. And so the question would be, okay, if we're going to say it is, then you just let us know what violent crimes you don't want us to go to, because we don't get it both ways. It's real simple, we don't have the ability to go and chase down parties and then say oh, hey this is the case. If...if something is wrong because of the...the rentals and we find out after the fact, that's why there's lawsuits, and there's a...there's a civil . . . *(timer sounds)*. . . arm to address it.

COUNCILMEMBER KING: I'm not sure I got my question answered.

CHAIR MOLINA: Okay. Yeah, but anyway, time's up. Let's go on to the next Member who had their hand up for questions for the Chief or Corporation Counsel or resource personnel. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I think possibly my question would be for Ms. Oana. Would...instead of the Police Commission, could we have the Liquor Commission create the administrative rules and the appeals...run the appeals? That was for Ms. Oana.

MS. OANA: I'll have to think about that a little bit. There...no matter who the commission is who does the appeals, there has to be coordination with MPD because MPD will have to, you know, provide copies of the notices, have witnesses present if there's going to be

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

**January 4, 2022**

---

a contested case hearing. I'm not sure. I can't really answer your question right now, I'd have to take a closer look at the --

COUNCILMEMBER PALTIN: Could we...

MS. OANA: -- functions of the Liquor Commission and what their...

COUNCILMEMBER PALTIN: Could we amend the law that the Liquor Control officers would be the responding officers to these types of calls from...that dispatch gets, that they dispatch Liquor Control officers instead of police?

MS. OANA: That too, you know, I'm not sure. I'm not sure whether, you know, union rules will allow this extra duty. You know, if there's a big party and neighbors are calling, right, they're going to call the cops. They're not going to call Liquor Control Department because that really is for licensees, you know, bars, restaurants who are given liquor licenses by the Liquor Control Commission. They do have rules, like they can't over serve, they can't serve to minors. Violations do go to the Liquor Adjudication Board for violations that the licensees are doing. But yeah, that's kind of something I'd have to think about with regard to the Liquor Control Commission or the Liquor Control Adjudication Board doing this.

COUNCILMEMBER PALTIN: Okay. . . .(timer sounds). . . Thank (audio interference)

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Members, any other questions for Chief Pelletier or Corporation Counsel Oana or Mr. DeRego or Mr. Collins? Again, I'd like to keep our conversation to the proposed amendment from Ms. Oana to give the authority of admin rules to the Police Commission rather than the Police Chief to make it consistent with the Charter. Chair Lee?

COUNCILMEMBER LEE: No questions for the Chief. Chief, I understand your dilemma, you have violent crimes, serious crimes, and then you have this. But unfortunately, this prevention would assist you in the long run with fewer crimes. So I...I'm wondering if...if this a budgetary matter. I mean, can we put together a taskforce in...within the Police Department to deal with the implementation of this ordinance?

MR. PELLETIER: It's a staffing issue. You know, this is also another issue where...let me be really clear, we...we're supposed to respond to criminal issues, this is a social issue, this is a civil issue. We're supposed to deescalate. This is 2022, and policing cannot be the ones to come in and raise the elevation. If there's a...if there's a disturbance call and it appears criminal, and it appears that folks are conducting illegal activity, of course we can come to those things. If we're coming to things just to go there and deal with a non-criminal or another issue...

COUNCILMEMBER LEE: No, okay, I understand what you're saying.

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

**January 4, 2022**

---

MR. PELLETIER: And so the point is, it's got to stay within the purview of what we're supposed to do.

COUNCILMEMBER LEE: Yeah.

MR. PELLETIER: And...and so I think we're...the...the law has good intentions, but the application, this is not appropriate.

COUNCILMEMBER LEE: Okay. We're just looking at the fact that chances are...there's a great chance that kids drinking or people drinking to excess will jump in their cars and cause an accident, which is criminal. So that's where we're coming from. If we can prevent that...you know, if we can work together to prevent that, that's what we're...we're striving for. And that's all *(audio interference)*

MR. PELLETIER: I don't disagree. I don't disagree. We're all about prevention, we're all about prevention, but...but there has to be a proper way to do it. And just to throw . . . *(timer sounds)* . . . This is...this is maybe not that mechanism.

CHAIR MOLINA: Okay. Thank you very much, Chair Lee. And appreciate your points that you made, Chair Lee, this is about prevention and the crime that sometimes liquor can cause, whether it be in adults or young people at a residence. We've heard instances of date rape happening at a residence, and it's tied in to...to liquor potentially. Liquor causes some people to do some very bad things. So anyway, all right, question for Chief Pelletier or Corporation Counsel Oana or our resource...other resource personnel? Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I couldn't agree with Police Chief more, and I hear the comments. When we...you know, when we pass bills, we want them to be effective, right, in...in achieving the goal that we're setting out to achieve. And we've all been young. And when I was, you know, underage and at parties, what happens when cops are called? They get in their cars and they drive away. So if they were...if there were underage people drinking, it more so would...would create an unsafe situation where, you know, those that may have been violating the law of underage drinking would end up getting in cars and driving away to get away from the cops that may be...be coming. I...I just...I...I agree with Police Chief, and I just wanted to see if there's any other suggestions Police Chief had.

CHAIR MOLINA: Okay. Thank you very much, Vice-Chair Rawlins-Fernandez. Members, it's 11:45, I'd like to see what we can do as far as taking action on the proposed language. Certainly the other concerns can be looked at in the future about maybe having...looking into the Liquor Commission doing this. But as Corporation Counsel Oana stated, there may be some union issues because now you're going to task another department with enforcing this. So that's something that would take a whole 'nother meeting to start addressing to get comments as far as, you know, responsibilities being given to another department as it relates to this law. But anyway...so I'm going to end the question...Q&A

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

**January 4, 2022**

---

phase at this point and take action if this is what this body wants to do. Again, the primary direction I want to go with this today is just to address the concerns from the Police Commission, Mr. DeRego, who I believe supports giving the admin rules back to the commission and not the Police Chief as currently stated in the ordinance. So anyway, again, the Chair will make...then make a recommendation to amend the...the law with the language stated by Ms. Oana. Ms. Oana, again, could you just state for the record what the language changes are as part of this recommendation to push forward with this amendment?

MS. OANA: Thank you. It's...it's just to change 9.40.050 [sic], Section B, from the "Chief" to the "Police Commission" must adopt administrative rules to carry out the appeal provisions of this chapter. It also adds a Section D to that section, a person filing an appeal must pay a fee as established in the annual budget ordinance. And I did put the language for the Board of Water Supply appeal fee and refund in the chat. A person filing a notice of appeal shall pay a fee as set forth in the annual budget. The fee for filing an appeal may be refunded if the commission renders a final decision and order authorizing a refund in full or in part, if you wanted to add that to this amendment as well. And then in Section 9.40.060, Administration section, we're just adding a phrase at the end; except that the Police Commission will administer the appeals process. And the beginning part of that was the Chief will administer the chapter, the social host liability chapter. We're adding that the Police Commission will administer the appeals process. And this would take effect on March 1st, 2022.

CHAIR MOLINA: Okay. Thank you very much, Ms. Oana. So there, Members, you've heard the proposed changes to the ordinance. So the Chair will entertain a motion to the proposed changes to the ordinance.

COUNCILMEMBER LEE: So moved.

CHAIR MOLINA: Okay. Moved by Chair Lee. Is there a second? Okay.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Second by Member Sinenci. Okay. The matter is on the floor. Vice-Chair Rawlins-Fernandez, does the language proposed by Member [sic] Oana as it relates to your concern, is that fine? Do you need to consider any other amendments, or does that satisfy your additional language on the fee reimbursement?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Regarding the fee reimbursement, that language is sufficient, and I...I would support that language. The...I'm...I'm...procedurally, I wasn't sure if like we first need to have a main motion before we add in, since that...since that's the bill that was posted on the agenda, we would have to then amend the motion in order to include that language. I don't know if you want to ask OCS if procedurally...

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

**January 4, 2022**

---

CHAIR MOLINA: Yeah. Okay. Let's ask OCS. Either...would that be Mr. Forrest or Mr. Raatz? Mr. Forrest, procedurally, are we doing this correct in amending the proposed ordinance like this...or bill, I should say?

MR. FORREST: I...I'm sorry, Chair, I...I did lose...lose you there for a second. You said there's a...there's a motion on the floor, and then we are seeking to amend the Administration section?

CHAIR MOLINA: Yeah. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Forrest. Mahalo. So the question is, do we need to have a main motion and then amend the main motion to include the amendment; or procedurally, is it appropriate for how the language was read by Ms. Oana for us to include that proposed amendment to the posted bill in that main motion?

MR. FORREST: Okay. Thank you, Chair. I understand now. I would recommend we have a motion, and then a motion to amend.

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

CHAIR MOLINA: Okay. So okay, motion would be made by Chair Lee, and is there a second on the new motion?

MR. FORREST: And in my opinion, the motion is already on the floor, by the way.

CHAIR MOLINA: That we did earlier? Okay. So that was the main...that acted as the main motion? Okay. So we'll...we'll let it go as Chair Lee making the motion and seconded by Member Sinenci. Okay. And now we need a motion to amend with the language as recommended by Corporation Counsel, Mr. Forrest?

COUNCILMEMBER LEE: Can somebody amend? Go ahead, somebody.

MR. FORREST: Yes, Chair.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: We need an amendment. Okay.

CHAIR MOLINA: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I...I would make that amendment. I...I don't...I don't support the main motion. I...I don't...I think this legislation actually needs more work, and I feel like we're rushing it through. There's a lot of questions that haven't been answered still, and I just...I...I don't feel comfortable moving forward with this.

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

**January 4, 2022**

---

You know, we...we...we moved...we passed the legislation without consulting with the Police Commission earlier to have their comments before we even passed this legislation, and I feel like we're rushing again. So I can make the amendment if there's a majority of people...or Councilmembers that want to pass this legislation today, but I don't support passing this legislation today.

CHAIR MOLINA: Okay. Thank you. Member Kama...oh sorry, Chair Lee, followed by Member Kama.

COUNCILMEMBER LEE: Oh, go ahead, Member Kama. I was...yeah, I just was going to contribute to the discussion.

CHAIR MOLINA: Okay. Member Kama?

COUNCILMEMBER KAMA: Okay. Thank you. Thank you. I would have to agree with our Vice-Chair that I couldn't support this main motion either, but I could support the amendment. So thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Kama. Chair Lee?

COUNCILMEMBER LEE: Yeah. Members, I...I hope you folks realize this...this bill actually passed, this is an ordinance. We're only making a small change to it with regard to the appeal process. So holding up this...this portion of the bill...of the ordinance is not going to stop the Police from enforcing. They...they can still legally enforce and implement the...the ordinance. So what we're trying to do right now is make it more realistic and correct the...the appeal process only. That...that's all, that's all we're focusing on right now, nothing more. That's all I have.

CHAIR MOLINA: Thank you, Chair Lee. Appreciate that. Again, just keep our focus here on the proposed language change from Corporation Counsel. We've all had our chances to state our opinions on the bill back when we first discussed it last summer, and it passed. But anyway, Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, I...I have not had all my questions answered, and I wasn't...I'm not satisfied that the Police Commissioner was comfortable with the changes, and the changes involve the Police Commission. So I'm not ready to vote on this bill today because, you know, I think that two minutes was...was not enough time. I got...I got half a question, I didn't get my question answered from the Police Chief. But I...I do...yeah, there are a lot of things that didn't come up when we first passed this bill. I was a big proponent of the bill, but what I'm...what...what it's sounding is like the way we set it up may not...may not have been productive. And we may not have gotten the best advice from the Police Department, and we didn't get any advice from the Police Commission. But I...you know, if I were going to move forward with this, I would want more time to question Mr. DeRego, which I didn't get an opportunity to do. So I am not going to vote for this bill today because I'm not



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

**January 4, 2022**

---

comfortable that he...he is 100 percent for these changes. Thank you.

CHAIR MOLINA: Okay. Thank you. If I could add, there were several meetings on this noticed publicly for any Police Commission member to add their thoughts. So we did get a response from the Police Commission after the law was passed. But let's be real folks, we did have these...several meetings on this, notice to the public. Any member of the public could have made comments. So for me, I don't agree with those comments about oh, you know, we should have waited to hear from the Police Commission. Police Commission, everybody in this community had a chance to weigh in on these proposals early on. So I just wanted to be realistic about that as well. Okay. All right. Members, so anyway, we...we have a motion on the floor. So I'm ready to vote. Go ahead --

COUNCILMEMBER KING: I think Member Paltin has her hand...

CHAIR MOLINA: -- do we have a question?

COUNCILMEMBER KING: Member Paltin has her...

CHAIR MOLINA: Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. You know I...I also support the intent strongly. You know, we had a high school senior pass away recently with a drunk driving accident between Christmas and New Years. But I'm not ready to take action on this amendment today, given that we have a new Police Chief and he...of the things that he has stated, I think make a lot of sense, which is almost a 180 from the...the information that we got from the Police as we were discussing the bill. And like Chief Pelletier said, you know, I think we all do not support anyone drinking and driving, whether it's teenagers or adults. And we want to stop it and...and he sees the intent in that...in the original bill; however, for me, if I had to choose where my police forces would be expended, it would definitely be on the violent crimes, you know. And...and I don't think it's a budgetary issue because we have all these vacant positions, so we're funding it, but we're not getting applicants or the applicants that go through the accreditation are...are leaving us for other jurisdictions or whatever the case may be. So I think, you know, in hearing Ms. Oana say that, you know, this is part of the implementation, by not...by deferring this matter today, it can allow us to take a broader...step back and take a broader look about how we approach it. I mean, I'm not against approaching social liability, but maybe we need to tweak how we approach it. And I...I do like also what the Chief had said about the difference between civil and criminal matters. You know, I don't want the Police to think that civil issues are for them to decide. It...it does need to be addressed, but is this the right methodology is the question for me. And so my preference would be to defer and relook at all our resources, including Mr. Collins who, when he came around to our offices, had modeled this other...after other jurisdictions. So maybe we can go back and look at other jurisdictions and...and how they address these issues when the police isn't fully staffed, when, you know, these other...the other types of things of...of not addressing civil from a criminal standpoint. So I guess I would

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

**January 4, 2022**

---

not vote in favor today. I could vote in favor another time. But I think, you know, there...there's nothing bad about taking a second look and realizing maybe we need to address this in another way. I'm not saying that it shouldn't be addressed, it definitely should be addressed. But you know, I really believe in the Police Chief and if we invite him, Chair, to give his opinion or his professional expertise, then it will only make whatever we come up with better if we...if we take it in, absorb it, and see if we can make it better in that way. That's...that's my discussion.

CHAIR MOLINA: Well, thank you very much, Member Paltin. I really appreciate those comments. You know, that's...you're taking a real broad and fair view on this matter. So I'll certainly consider deferring it. I think I can...I can count. Although some of us still have some very strong feelings for this law. And you know, I guess for me, when I...I still remember seeing those parents from Mothers Against Drunk Driving who lost their children due to alcohol-related matters. Honestly, that's certainly weighed in for me as to why I supported the social host bill. And I certainly respect the Chief's concerns about maybe not having enough people, but that's a staffing issue. We have to weigh what's more important for our community, doing things on a preventative measures for underage drinking and...and preventing accidents, as Chair Lee had mentioned, which is a crime, and also incidents happening at residences related to liquor. Date rape, I mean, imagine if that was your child that was a victim. So I...I'm open to deferring. And again, I'm sure Mr. Collins will get the word out to the organizations who had supported this to come and provide testimony the next time we bring this up, so we can hear a balanced perspective on...on this law. Because we...we spent a lot of time on it, and I know we're hemming and hawing about, you know, the Police Commission and the concerns about doing the appeals process, and...and I certainly respect that. But again, as I mentioned earlier, this matter was out in the public for any, any commissioner or any member of the public to come and weigh in their thoughts. So for us to make statements that oh, we didn't hear from the commission, I mean, you know, come on. On other matters like moratoriums and whatnot, people are out there making their statements early on without us even passing the legislation first. So commission members had that...that choice if they had wanted to express their concerns prior to us passing the law. So I just want to again reiterate that point. Member Sinenci, before the Chair makes a deferral on this matter, your thoughts?

COUNCILMEMBER SINENCI: Okay. So yeah, I just wanted to add my two cents. I mean, like Chair Lee, I thought we were just voting on the appeals process. And I guess my question was if we're going to revisit the actual bill, is this...do we have to bring this up again? Because like you had mentioned, Chair, it's already a law that the...the Police are continuing to address and enforce, it just doesn't have any administrative rules at the moment. And...and so, I mean, I was willing to vote for the appeals process until that time where we can come back and address the larger issue of the...of the law, Chair. Thank you.

CHAIR MOLINA: You know, you bring up a good point, Mr. Sinenci. Again, maybe...Ms. Oana, so because it is a law, the Police still do have to enforce it if there's a complaint made to

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

**January 4, 2022**

---

the Police Department of underage drinking at a...an individual's residence. Ms. Oana, so regardless if we defer this, so the Police still have to go out and do their due diligence on the existing law?

MS. OANA: Okay. So you know, there is the existing law, it's pretty specific. You know, I think the...the MPD can issue citations just based on the existing law. But then, you know...and I do know that the Department's Deputy Corporation Counsel has started to, and is almost pretty much finished drafting the administrative rules for the Department. But once...once MPD starts issuing the citations, we have to be ready for the appeals process. And even if MPD adopts administrative rules covering the appeals process, commission, in my opinion, does not have to follow the Police Chief's rules that it made for it. You know, the commission has to adopt its...its own rules. So we're going to be stuck in this period of time where, you know, you guys will want the commission to move forward on appeals, and it probably simply just won't because it wants to make its own rules. And under the Charter, you know, the Charter gives the commission the power to make its own rules to conduct its...its business. So without adopting...without passing this out, we're going to be kind of stuck in limbo. And you know, with regard to, you know, other rules on the books, you know, I...I...I don't know what was mentioned at the meeting that passed this bill out, but there is an HRS statute, 712-1250.5 or something, that makes it criminal to provide liquors minors...to provide liquor to minors. So there's already something in the books. I'm not going to go there at this stage. I don't want to confuse anyone any more. But I do believe that you folks need to pass this out for the Police Commission to act on anything that it comes to it. Without this, I don't think the Police Commission will...will take up any appeal.

CHAIR MOLINA: Okay. Thank you very much, Ms. Oana. Well, with that said, Members, I'm going to step back on my recommendation to defer. If this...if this dies, it dies. At least this Council...I want to show that there was some record of action on the recommended language. So I'm going to call for the question. We have a motion on the floor. Call for the question, okay. And if it fails, it fails --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: -- then we just have to move forward. No, I'm going to call for the question. Chair's prerogative.

VICE-CHAIR RAWLINS-FERNANDEZ: Second and...

CHAIR MOLINA: All those in favor of the motion on the floor --

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

CHAIR MOLINA: -- to amend or add the language as mentioned...yes, Vice-Chair?

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

**January 4, 2022**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Second and final. I...I hear you're saying calling for the question, but I...I don't think discussion can be cut off if there's further discussion to be had.

CHAIR MOLINA: It is the chair's prerogative of any committee to call for the question. So...and again, you...you can certainly reflect your opposition in your vote. But again, I think each committee chair has the prerogative, I've called for the question. We've had...we've discussed this to death. And I'm going to respect what Corporation Counsel has to say on this. I mean, how can we have an existing law, and how can it move forward if there's inconsistencies in the Charter as it relates to doling out administrative responsibilities where it's currently saying it's the Police Chief, when it should be the commission. So I'm going to just call for the vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: If it dies, it dies, so be it. So --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I understand --

CHAIR MOLINA: -- anyway.

VICE-CHAIR RAWLINS-FERNANDEZ: -- I understand what this bill is and what it intends to fix, but we're hearing from the Chair of the Police Commission and the new Police Chief that have brought, you know, concerns to our attention. And it's our responsibility as the Council to hear those concerns and to address those concerns. And to just move forward and disregard those concerns I think is irresponsible of us. And I hear you, Chair, I hear that we...we had many meetings on this, but now we have a new Police Chief and new information has come to light, and that's...that is what policymaking is, is --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- when new information arises, we take the new information and we address it and incorporate it to make sure that we're creating the best policies for our County. And so my no vote or my...my intent to not take action on this today is not because I don't support the recommendation as it stands, it's that there are outstanding concerns that we as a Council must address. And I think by deferring it, then we can continue to have a discussion on this if more time is warranted. And...and that way we can be the responsible Council that we need to be in addressing these laws that we...we pass for our County. Mahalo, Chair.

CHAIR MOLINA: Okay. All right. Since I gave that privilege, I called for the question, but I gave the privilege to Vice-Chair Rawlins-Fernandez, I'll recognize Chair Lee for your thoughts as the movant.

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

**January 4, 2022**

---

COUNCILMEMBER LEE: Okay. Mr. Chair, I realize that there are issues still outstanding...am I muted again? No, okay. And that there is...there is no complete consensus on this matter. I understand that. But as you heard our Corporation Counsel, by deferring the item, this matter will be held in limbo. Okay. If we passed it, that doesn't mean we can't continue to work on it, but it will no longer be in limbo, and it...at least it'll bring clarification to the law. Because the way we...we did it the first time was incorrect, so now we're making...making an effort to correct what was wrong. And that doesn't mean that we can't continue to work on this, but so long as there's some clarity and that it won't be in limbo. That...that's the reason why I think the Chair wants to move this forward. He realizes that with the new Chief and the...and the concerns of the commission, yeah, we...we still...we still have a hill to climb; but at this juncture, it's a matter of taking care of the appeal process, which is totally wrong. So let's fix his ideas. Fix it, but come back to it and work...work on it some more. And at that time, we can talk about repealing this law if necessary.

CHAIR MOLINA: Yeah. Thank you, Chair Lee. My exact sentiments. Let's fix what we need to fix now. Certainly the law is a moving target. I mean...and as I had mentioned earlier, at any time if Members want to repeal this law at some point down the road, you have that, the mechanism is already there. But right now if we just stall it, delay it, it's just going to keep things in limbo. This is one part of the process, this is one thing we need to fix, and that's all we're doing today. As far as Members who are against the law and whatnot, you'll have an opportunity down the road to...to repeal, okay. So call for the question. I heard from the movant, I heard from the Committee Vice-Chair. All those in favor of the amendment as suggested by Corporation Counsel, signify by raising your hand and saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: Okay. Chair counts one...two...three...four. Okay, those opposed? Okay. Chair counts five, okay. The motion does not pass.

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

**January 4, 2022**

---

**VOTE:**       **AYES:**   **Chair Molina, Councilmembers Lee, Paltin, and Sinenci.**

**NOES:**   **Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, and Sugimura**

**ABSTAIN:**   **None.**

**ABSENT:**   **None.**

**EXC.:**    **None.**

**MOTION FAILED.**

CHAIR MOLINA: Okay. So we will just then...Chair will ask a motion to, I guess if that's appropriate, to defer.

COUNCILMEMBER PALTIN: Oh, I had an amendment.

CHAIR MOLINA: Oh, okay. You have an amendment to the motion on the floor? Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: I'd like to amend and replace where it says "Police Commission" and change it to "Commission on Children and Youth."

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR MOLINA: Okay. Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

COUNCILMEMBER LEE: Second for discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR MOLINA: Okay. All right. I'm going to recognize Member Paltin first for her motion to amend, and then recognize the point of order. Member Paltin?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order. We have no motion on the floor. We just voted on it.

COUNCILMEMBER PALTIN: I thought that was the amendment --

CHAIR MOLINA: That was the amendment.

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

**January 4, 2022**

---

COUNCILMEMBER PALTIN: -- that we voted on.

COUNCILMEMBER LEE: Yeah, he said the amendment. He said the amendment.

COUNCILMEMBER KING: There's no motion to amend.

VICE-CHAIR RAWLINS-FERNANDEZ: There was no motion to amend, we only had a main motion.

COUNCILMEMBER LEE: Okay.

CHAIR MOLINA: Oh, okay. Okay.

COUNCILMEMBER LEE: No, but the call...but the call of the Chair was amendment, so if it was an incorrect call then...then now you have clarification. There was...there was no vote because there was no amendment made by anybody.

VICE-CHAIR RAWLINS-FERNANDEZ: But...

COUNCILMEMBER LEE: You thought somebody made an...because as we went on, we lost track if somebody made an amendment or didn't make an amendment. But you were very clear and said okay, let's take a vote on the amendment. It turns out nobody made the amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: I never said that.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I never said that. There was no second, there was no motion to amend. There was only a --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: No...okay, no, no, no --

VICE-CHAIR RAWLINS-FERNANDEZ: -- main motion and the Chair called for --

COUNCILMEMBER LEE: -- no, not you --

VICE-CHAIR RAWLINS-FERNANDEZ: -- the question.

COUNCILMEMBER LEE: -- not you, he said.

CHAIR MOLINA: Okay. Members...Members, let's do the...

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

**January 4, 2022**

---

COUNCILMEMBER LEE: The Chair...the Chair said we're taking a vote on the amendment.

CHAIR MOLINA: Yeah. Yeah.

COUNCILMEMBER LEE: That's what he said.

CHAIR MOLINA: Maybe it was an incorrect call on my part.

COUNCILMEMBER LEE: That's what I'm saying.

CHAIR MOLINA: Because we had the...we had a --

COUNCILMEMBER LEE: You made an incorrect --

CHAIR MOLINA: -- main motion.

COUNCILMEMBER LEE: -- call.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Okay. So now --

CHAIR MOLINA: And...and --

COUNCILMEMBER LEE: -- we go back to the original...

CHAIR MOLINA: -- the motion was voted down, yeah. So the motion was voted down by a five-four vote. So now we have nothing on the floor, right?

COUNCILMEMBER LEE: No, the...the main motion wasn't voted on. The amendment --

COUNCILMEMBER PALTIN: Yeah, I was voting on --

COUNCILMEMBER LEE: -- which nobody made --

COUNCILMEMBER PALTIN: -- the amendment...

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- that's what we --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- voted on.



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

**January 4, 2022**

---

CHAIR MOLINA: Okay. All right. So yeah, so now I'm getting confused. Okay. So we still have a motion on the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: No.

CHAIR MOLINA: Yeah. The --

VICE-CHAIR RAWLINS-FERNANDEZ: No.

CHAIR MOLINA: -- amendment...

VICE-CHAIR RAWLINS-FERNANDEZ: That is not correct. There is...there was no motion to amend. There was no motion to amend, there was only a main motion.

COUNCILMEMBER LEE: You're right. You're right, but he said...the Chair said we're going to vote on the amendment. He didn't say the main motion. He said --

CHAIR MOLINA: Yeah, the amended language.

VICE-CHAIR RAWLINS-FERNANDEZ: But there was no motion.

COUNCILMEMBER LEE: -- *(audio interference)* vote on the amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair...the Chair cannot...

COUNCILMEMBER LEE: Ask Tamara.

CHAIR MOLINA: All right. Members, Chair is going to call for a recess. The GREAT Committee meeting for January 4th is now in --

COUNCILMEMBER LEE: Ask Tamara.

CHAIR MOLINA: -- recess to confer with Staff on a technical matter. Meeting in recess.  
...*(gavel)*...

**RECESS: 12:12 p.m.**

**RECONVENE: 12:18 p.m.**

CHAIR MOLINA: ...*(gavel)*... The GREAT Committee meeting for Tuesday, January 4th, 2022, will now come back to session. Thank you for that recess, Members, which gave the Chair an opportunity to kind of untangle some of the misunderstandings or maybe I misspoke as it relates to the vote that was just taken. I guess what I meant to say was what was on the floor was the...the amendments proposed by Ms. Oana. And I guess

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

**January 4, 2022**

---

when I said we're voting on the amendments, it might have confused some of you. So again, but since I stated it as an amendment...well, I'll let OCS comment on that. Mr. Forrest, if you could go ahead and provide some comments. And maybe Ms. Espeleta, if you want to chime in as well.

MR. FORREST: Thank you, Chair. I...I understand the confusion. I do think, as Chair Lee had explained, that there was a misunderstanding. The vote should not count. And that right now on the floor is the original motion, which is to approve or disapprove the posted bill. And at this time, if you...if someone wants to, they can propose an amendment, but as Member Rawlins-Fernandez pointed out, no amendment had been proposed and seconded. So it was a mistake. And if someone would like...if someone wants to, you know, issue a point of order, then that could also be considered by the body, but that would be challenging the Chair's rule. Thank you.

CHAIR MOLINA: Okay. So...so Mr. Forrest, we basically...or would, I guess, then just nullify that earlier vote that was taken because of what I had stated as an amendment that may have confused the Members? Okay. I see a thumbs-up on that. Okay. So Members, we have that understanding then because of I misspoke, it might have...it might have confused some...some of you as...as an amendment, when actually what I meant to say was the amendments to the bill made by Ms. Oana. That was what I had meant to say. So...so based on what Mr. Forrest is saying, that the motion is currently still alive and open to amendments. That is how I understand it. To the already-suggested language from Ms. Oana in addition to that. So that's, I believe, where we stand. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I disagree with Mr. Forrest. I...the Chair cannot make a motion on his own. A motion must be made by the body and seconded. I understand that we're trying to say that it was just a misspoken motion. But Chair, I would be happy to make a motion for reconsideration if we would like to redo this. I disagree with the direction that we've been given to let's just forgot about it, we made a mistake. I would like to do it procedurally appropriate. And so I move for reconsideration of the last vote taken.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Okay. Motion to reconsider made by Vice-Chair Rawlins-Fernandez, second by Member Sinenci. Discussion on the reconsideration? All right. Member Paltin?

COUNCILMEMBER PALTIN: I'm not clear what we're voting on.

CHAIR MOLINA: Okay. As the movant, Vice-Chair Rawlins-Fernandez, if you could respond to Member Paltin's need for clarification?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin. My motion is for a reconsideration of the vote that we just took, so it will take us back to right before

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

**January 4, 2022**

---

we all voted, which would give you the opportunity, Member Paltin, to make an amendment to the main motion that was on the floor. And so that's what the motion for reconsideration at this time would do. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo. Okay. Member Paltin, does that clarify your question?

COUNCILMEMBER PALTIN: So a reconsideration would wipe out the last vote we took?

CHAIR MOLINA: That is my understanding, yeah. So it's, I guess, basically start from scratch, and then you could amend the proposal.

COUNCILMEMBER PALTIN: All right, if you say so.

CHAIR MOLINA: Okay. All right. Any other questions as it relates to the reconsideration? Mr. Sinenci?

COUNCILMEMBER SINENCI: Just for clarification, Chair, would we have to do another main motion? No need? Okay. Thank you.

CHAIR MOLINA: No. Yeah. Okay.

COUNCILMEMBER PALTIN: Can everybody --

CHAIR MOLINA: All right. Any other questions?

COUNCILMEMBER PALTIN: -- vote on the reconsideration, or only the winners?

CHAIR MOLINA: I think the prevailing side on a reconsideration, if I'm correct, yeah. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Only the prevailing side can make the motion, but everyone would vote on the motion made after a second. Mahalo, Chair.

CHAIR MOLINA: Okay. Okay. Everybody understand what the reconsideration was about? And of course, it was made by the prevailing side from the last vote, which included Member Rawlins-Fernandez...and who made the second on that? Now, Mr. Sinenci was on the --

COUNCILMEMBER SUGIMURA: The other side.

CHAIR MOLINA: -- on the...on the other side, yeah, so the second would have to have come from the prevailing side.

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

**January 4, 2022**

---

COUNCILMEMBER KAMA: Second. I'll second.

CHAIR MOLINA: Okay. So who...who stated the second? Member Kama?

COUNCILMEMBER KAMA: Tasha. Yes.

CHAIR MOLINA: Okay. All right. Okay. So we have a motion for reconsideration on the floor right now. Any other discussion before the Chair calls for the vote? Okay. If not, all those in favor of the reconsideration, signify by saying "aye" and raising your hand.

COUNCILMEMBERS: Aye.

CHAIR MOLINA: Okay. Any opposed? Okay. Thank you. The Chair will mark it nine "ayes." So the matter has been up for reconsideration.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVED RECONSIDERATION.**

CHAIR MOLINA: Okay. Now, the floor is now open for amendments or other considerations. Member Paltin, go ahead.

COUNCILMEMBER PALTIN: I move that we amend the proposed legislation to replace "Police Commission" with "Commission on Children and Youth," and to add the language where folks would get their money back on the fee as stated in the chat.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Okay. Motion made by Member Paltin and seconded by Member Sinenci. And Member Paltin, if you want to go ahead and elaborate on your proposed

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

**January 4, 2022**

---

amendment?

COUNCILMEMBER PALTIN: Sure. So this proposed amendment is based on Deputy Corp. Counsel Oana's chat idea. You know, we're dealing with underage drinking and children and youth are underage folks. And you know, while I...I don't think that this addresses the entirety of the situation, if there should ever be a situation where Lieutenant Hankins or somebody cites someone, at least there's an appeals process until we can make greater fixes on the dealio.

CHAIR MOLINA: Okay. All right. Thank you very much, Member Paltin. Okay. Who had their hands up last would like to speak? Okay. Member Sugimura, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Thank you. I think we're walking down the same path where one of the concerns of the Police Commission was they never were informed, I guess, whatever, even...even if there were public processes in place, including our meetings. And now we're asking a commission which has no idea that we're imposing this or thinking about them. I think especially that group, they would be really opposed to it. Whereas, if you're on the Police Commission, at least you...you know kind of what that...you know, that Department does. So I...I cannot...I understand, you know, the intent, but I cannot support this amendment as presented. So thank you.

MR. WHITTAKER: Chair?

CHAIR MOLINA: Thank you, Member Sugimura. Okay. Before I recognize Vice-Chair Rawlins-Fernandez, Corporation Counsel, Mr. Whittaker, you have some thoughts to add?

MR. WHITTAKER: Thank you, Chair. For Sunshine Law purposes, we think that this amendment is significant enough that it would need to be reagendaized, so it couldn't be voted on, on this meeting.

CHAIR MOLINA: Okay. That's...all right. Based on those comments that we could be violating Sunshine Law, Member Paltin, if you would...wouldn't mind withdrawing that request to amend at this meeting for your proposal based on the concerns from Corp. Counsel because it's something, I guess, that needs to be agendaized on...and it's not for today's meeting.

COUNCILMEMBER PALTIN: Oh, I can withdraw it, but then I wouldn't vote for the thing.

CHAIR MOLINA: Yeah. Sure, certainly. Sure. It's your prerogative. Chair Lee?

COUNCILMEMBER LEE: I have a question for Corp. Counsel --

CHAIR MOLINA: Okay. Go ahead, Chair.

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

**January 4, 2022**

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COUNCILMEMBER LEE: -- Mr. Whittaker. Okay. So let's say we don't take a vote on this at all today, either...yeah, defer it or file, whichever. So...and then in the meantime someone violates the law, is arrested or cited. Do we need an appeal process?

MR. WHITTAKER: Thank you, Chair Lee. And with apologies to my colleague, I have a slightly different view than...than Ms. Oana, and...and we've discussed this. So my view is that the law is pretty specific. There's not a lot of wiggle room for the...in the administrative rules for the Police Commission or whoever takes up the appeals, such that even without administrative rules, the Police could act, and the Police Commission could hear appeals based on what's already in the law. It spells out what has to be in the citation, it spells out what the Police Commission would have to look at in an appeal. So I think they could act without administrative rules. And the administrative rules would, for the most part, mirror what's already in the ordinance.

COUNCILMEMBER LEE: In addition to that, Mr. Whittaker, would the person wanting to appeal or wanting a refund, could they take this to court and be addressed there...get redress there?

MR. WHITTAKER: If they went through the appeals process with the Police Commission, and the Police Commission decided against them or took no action, then they could have a further appeal, I believe, under the statute.

COUNCILMEMBER LEE: Okay. But right now, you talk about the Police Commission being the authority to...to oversee the...to receive the appeal, but...but that's not how the...the...the law reads right now though.

MR. WHITTAKER: The law currently...

COUNCILMEMBER LEE: So there would be confusion. What's that?

MR. WHITTAKER: The law currently...sorry, Chair. The law currently reads that the Police Commission does hear the appeals; however, the...what...what my colleague Ms. Oana is changing, or suggesting that you change, is that the Police Commission draft the administrative rules as it relates to appeals because under the ordinance, they're the ones hearing the appeals. The way the ordinance reads now, it's the Police Chief who writes the rules for everything, including appeals, and that's what's rubbing the commission the wrong way --

COUNCILMEMBER LEE: I see.

MR. WHITTAKER: -- that the Police Chief is writing the rules for the commission.

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

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

**January 4, 2022**

---

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Sugimura made the comments that I was going to make, which was, you know, I could potentially support Member Paltin's amendment that is still on the floor because it hasn't been officially withdrawn. But I think, you know, we need to do our due diligence and discuss this with any commission that we would be tasking with this responsibility. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. So based on the Sunshine Law concerns expressed from Corporation Counsel, I would prefer...of course it's up to you, Member Paltin, to consider withdrawing the proposed amendment for today's meeting. Certainly we can consider it at a future meeting, but because of the issue of it not being agendaized, and I'd like to play it safe so we don't have the Sunshine Law police, you know, contacting us. So Member Rawlins-Fernandez, if you're amicable to withdrawing that amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: That was Member Paltin's amendment.

CHAIR MOLINA: Sorry, Member Paltin, sorry.

COUNCILMEMBER LEE: You mean the motion, the main motion?

CHAIR MOLINA: Yeah, the motion...the motion to amend.

COUNCILMEMBER LEE: That would be me. I withdraw.

VICE-CHAIR RAWLINS-FERNANDEZ: No, no. Point of order.

CHAIR MOLINA: Yeah, go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It's the motion to amend the main motion, so that's Member Paltin.

CHAIR MOLINA: Yeah.

COUNCILMEMBER PALTIN: Can I just withdraw the Children on Commission and...Commission on Children and Youth part of it?

CHAIR MOLINA: Okay. Any objections to Member Paltin withdrawing the Children and Youth being the --

COUNCILMEMBER LEE: No, no --

CHAIR MOLINA: -- appeals...

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

**January 4, 2022**

---

COUNCILMEMBER LEE: -- but who made the main motion?

CHAIR MOLINA: I think you did, and then second --

COUNCILMEMBER LEE: Me, yeah?

CHAIR MOLINA: -- by Member Sinenci. Yeah.

COUNCILMEMBER LEE: Yeah. So I'm at this point withdrawing that also because...

CHAIR MOLINA: No, no, no.

COUNCILMEMBER LEE: No?

CHAIR MOLINA: No, no.

COUNCILMEMBER LEE: I thought you were going to defer this.

CHAIR MOLINA: Because Member Paltin had an amendment to...yeah. Yeah. Because we had...it was still alive, the main motion was still alive, but the amendment is being made by Member Paltin, which she's being asked to consider withdrawing because of Sunshine Law concerns.

COUNCILMEMBER LEE: So now...

CHAIR MOLINA: So...but now Member Paltin just wants us to consider the appeals, the reimbursement for the appeals. Yeah. Okay. So that's what's on the floor now as an amendment. Okay. All right. Member King, speaking to the amendment? Go ahead.

COUNCILMEMBER KING: Okay. So I'm...I'm...I'm confused now. So she's just withdrawing part of her amendment, not the whole amendment?

CHAIR MOLINA: Yes. Yes.

COUNCILMEMBER KING: And so what's the part that's left?

CHAIR MOLINA: Member Paltin, you'd like to restate what's left of your amendment to Member King?

COUNCILMEMBER PALTIN: Sure thing, I'd love to. Let me find it. It's a person filing a notice of appeal shall pay a fee as set forth in the annual budget. The fee for filing an appeal may be refunded if the commission renders a final decision and order authorizing a refund in full or in part.

COUNCILMEMBER KING: Okay. That...I thought that was something that was...that



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

**January 4, 2022**

---

Ms. Oana told us was already included in the bill, but...which is why we didn't vote on it...we didn't have the amendment the first time, but now...

COUNCILMEMBER PALTIN: The...only the first part of it about the fee, not about the refund. The refund, I think she took it from the Water...Board of Water Supply.

COUNCILMEMBER KING: So that's something new. Okay. I think I understand what you're doing.

CHAIR MOLINA: Okay. Yeah. And I think what Member Paltin is doing is trying to, I guess, reinforce it. And although it may be, I guess, assumed, like with the Water Board appeals, it's the same as far as reimbursements, but I think just to ensure that it's memorialized at least on the Council's side, we can...we can certainly add that as an amendment, so we have that option. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things. The first is that I...I would again not support the...the motion even with the amendment as a whole because it...there's still outstanding concerns, and one of the outstanding concerns is who...which commission should be taking this up. And so I understand the discussion about this being in a limbo, but we...we need to address those concerns. The second part is, did Chair Lee request to withdraw her main motion because we're...we're talking about deferring this?

CHAIR MOLINA: Chair Lee, you want to respond?

COUNCILMEMBER LEE: No, I...I didn't make the request, I...I was saying shouldn't I because I thought you were leading us down the road of deferral. So I thought the next step was for me to withdraw my main motion. But then my friend from Lāhainā said oh no, no, I want to make another amendment, so I couldn't withdraw my main motion. So that's what happened.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Chair Lee. I...I would support that withdrawal of the main motion and deferral. Mahalo, Chair.

COUNCILMEMBER PALTIN: Yeah, don't let me stop you.

COUNCILMEMBER LEE: I know, I'm taking my --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- I'm taking my cue from the...from the Chair.

CHAIR MOLINA: Yeah.

COUNCILMEMBER LEE: Whatever he recommends is what I'm going...because he sees both

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

**January 4, 2022**

---

sides. He sees both sides, and...and right now all of us are...you know, are getting tired and hungry. Let's face it. And then we have another meeting to go to pretty soon.

CHAIR MOLINA: Hopefully Mr. Sinenci will extend his start time a little bit too, but anyway, that's besides the point. All right. We do have an amendment on the floor as made by Member Paltin. I think it's been shared with us what the amendment is. So at this point I'd like to...with no objections, I'd like to call for the vote on the amendment from Member Paltin. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS: Aye.

CHAIR MOLINA: Aye. One...two...three...four. Okay. I see nine "ayes." Any opposition? Okay. No opposition. All right. The amendment passes by a vote of nine-zero.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVED AMENDMENT.**

CHAIR MOLINA: Okay. Now we're back to the main motion as amended. Any final discussion on that before the Chair calls for the vote? Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make this quick. I'm going to vote no on the main motion as amended. I support the amendments, but I think we need further discussion on this and would prefer to defer. Mahalo, Chair.

CHAIR MOLINA: Member King?

COUNCILMEMBER KING: Same for me, I...I would prefer to defer. I think we need more discussion. And I'm not comfortable that I heard from our Police Commissioner that...that he's comfortable with these changes that we're making. But also, what I did hear from Mr. Whittaker is that this bill can still be...or this ordinance can still be

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

**January 4, 2022**

---

enforced as it is with or without having the administrative rules for the appeal. So I don't think that we're in limbo, but regardless of whether or not we are in limbo, I think we can still take a look at this bill, another look at the bill. We could still...it could still be enforced like it is. And I just want to go on record, because I don't think I was heard before, that I fully support the intent of this bill, but we...we had a different Police...leader of our Police Department back then, and I fully support our new Police Chief in his position. So I'm going...I'm going to vote no on this because of that. And it's not because I want...I'm second guessing whether or not the intent is good, it's just the process that we're going through, I don't think we did a good job of vetting back then. So that's my position. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. Member Sugimura, followed by Member Sinenci.

COUNCILMEMBER SUGIMURA: Thank you. I think one of the things that...I think it was Jen Oana who said HRS 712-1250.5, criminal law is already on the books for this. So if we're going to defer it and take it up (*audio interference*) either Corp. Counsel or OCS can look at HRS 712-1250.5 to see that it's already being handled. What is not in place is...is who's going to receive any kind of, you know, appeals with...with what the Police Commission was. But it...it's already there. Even if we did no law, on every single island in the whole State, there's this law that prevails already. So we're doing to defer it, I'm going to, you know, look into that law. So thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. I'm going to speak in support of the bill as amended. And I do agree with the Police Chief; however, we still have a law enacted, and we're in limbo if we don't deal with the appeals process. I think this...this is for us to address our concerns in our discussions today, we have to come back to it to make those changes to the enacted law, not during this meeting. So I'm going to speak in support. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. Okay. Anyone who hasn't spoken on the motion yet before I recognize Member Rawlins-Fernandez? Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you to my colleagues who are not perfect, but we do want to make things better for all of us. And if it means saying that I think I made a mistake previously, if it means taking back what we said months ago, more power to us. So Chair, I thank you for being so much a great advocate and passionate about what you believe. I love the discussion that we're having because no matter how we vote today, we're still going to love each other at the end of the day, and I love that. Although I am not going to be supporting the main motion, I support what we have among us together, and this is policymaking. So thank you, Chair.

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

**January 4, 2022**

---

CHAIR MOLINA: Mahalo for your comments, Member Kama. Okay. If no one else wants to speak on the motion for the first time, I'll go ahead and recognize Vice-Chair Rawlins-Fernandez for a second and final time. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to amend the main motion to defer instead of recommending passage.

CHAIR MOLINA: Okay. A motion --

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: -- to defer has been made by Vice-Chair Rawlins-Fernandez, seconded by Member Kama. Do we need any additional discussion on that? We kind of understand your reasons. Okay. All right. Member Sinenci, followed by Chair Lee, your comments on the proposal to defer?

COUNCILMEMBER SINENCI: Yeah.

CHAIR MOLINA: Member Sinenci?

COUNCILMEMBER SINENCI: Just clarification that the deferral is for the main motion as amended?

CHAIR MOLINA: Vice-Chair Rawlins-Fernandez, is that correct with your request to defer, that would include leaving the motion on the floor as well?

VICE-CHAIR RAWLINS-FERNANDEZ: I think the deferral is for the entire item, and then we can take up whatever proposed amendments at the appropriate time when we, you know, reschedule this and we can take up those amendments.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So it's for the item to be deferred. Mahalo, Chair.

CHAIR MOLINA: Okay. All right. Thank you. Member Sinenci, anything else before I recognize Chair Lee? Okay. Chair Lee, go ahead.

COUNCILMEMBER LEE: Yeah, I'm...I'm glad you clarified that because I don't think you can amend a motion to defer when the motion is to take action. So ordinarily I would have to withdraw my main motion and the second, and then defer the whole item. That's normally what would happen. And if that's what the body wants, I'm...I'm fine with that. Because Mr. Molina, I think it comes down to only you and me, so we may as well defer.

CHAIR MOLINA: Okay. So...

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

**January 4, 2022**

---

COUNCILMEMBER LEE: I withdraw my main motion.

CHAIR MOLINA: You're going to withdraw the main motion. Okay. And then, Mr. Sinenci, you're going to withdraw your second then? Okay. And of course, it has been amended already by the vote we took with regards to Member Paltin's proposal, yeah. So basically we're going to just defer and come back again and deliberate on this thing in the future. But okay, is everyone done talking? Chair would like to add some final comments before we defer. First of all, thank you. Thank you for this very spirited discussion. I think this is one of the most spirited matters we've ever had discussion on, to say the least. As it is right...and I appreciate the new Police Chief's comments on this. And when we acted on this there was a different administration, who had a different take on this social host liability; but certainly, it is what it is now. My understanding, if Corporation [sic] can verify that for me, the Police Chief can choose not to enforce the existing law because the Council has no say with regards to policy, and we cannot dictate to any department whether...whatever bill is put out there. Am I correct? So the new Police Chief has the option of not enforcing an existing law. Am I correct, Mr. Whittaker?

MS. OANA: Hi, Chair Molina.

CHAIR MOLINA: Oh, Ms. Oana?

MS. OANA: Mr. Whittaker had to leave the meeting, so you have me. So the question was can the Police Chief choose not to enforce an existing law? And I'm sorry, I don't know the answer to that. I don't know if there's some general orders with regard to that or not.

CHAIR MOLINA: Okay. Okay. Thank you. I just wanted to get that...the only reason is because if the Police Chief does not enforce an existing law and something happens on someone's property, underage drinking, a crime, blah, blah, blah, what, in terms of liability and exposure, is the County going to be susceptible to because an existing law wasn't carried out by a department? But I mean, we certainly cannot mandate the department to...to carry out a law. And that was kind of where my question is. So I don't know, Ms. Oana, if you want to make additional comments on that. But anyway, go ahead if you have something to say.

MS. OANA: You know, certainly, if someone can make the argument that MPD was there and had knowledge about some kind of crime going on and refused to act to somebody's detriment, you know, somebody can sue us, for sure. Whether they'll prevail, I don't know.

CHAIR MOLINA: Okay. All right. Mr. Forrest, you had something to add?

MR. FORREST: Yeah, just briefly. I think people have commented that, you know, what this law really prohibits is already prohibited in several different laws. Okay. You can't provide, you know, liquor to minors, you know, you're going to be held reliable [sic].

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

**January 4, 2022**

---

What this does is give you an additional tool to use to educate the public, and to provide what is actually an administrative fine. Now, what you might be referring to is under the administrative enforcement provision in the law, it does say that if the Chief determines that someone's responsible. I...I have a feeling from what the Chief testified to, it might be hard for him to determine that. So I don't think this is going to happen. If it does happen, the existing law is valid and would take effect. And I agree with Corporation Counsel that the appeals process is adequate. I...I...I guess what you were pointing out was some of this is, as defined by the Code, up to the Chief to determine, and maybe you can see the reading [sic] on the wall is that he might not determine that at this point.

CHAIR MOLINA: Okay. Thank you very much, Mr. Forrest. I guess Member King, or is it Vice-Chair Rawlins-Fernandez, you had wanted to speak?

COUNCILMEMBER KING: No, I did have...thank you, Chair. I did have a comment because, you know, we just went through a night...several nights of terror, in my neighborhood anyway, around New Years when people were doing all kinds of illegal things and lighting off fireworks, aerals, and nobody got arrested in my neighborhood. So...and nobody is suing because somebody didn't get arrested for breaking the law and the Police...so I just...I think my point is that there are a lot of...there are a lot of...of ordinances that we have on the books that get broken almost daily that the Police aren't there for because either they don't have the Staff or they...no one's...no one's complained about it. And we don't have lawsuits about that, so I don't think it's the kind of, you know, thing unless...unless they were called to a house and they showed up and they blatantly refused to enforce it that it would be something that we could be largely sued for. Because I see...I see things all the time that aren't enforced and, you know, I'm not suing the Police for not enforcing them. But I understand (*audio interference*). You might want to mute yourself, Member Kama. So...so anyway, that...I don't...I don't think we should be concerned about that, but I do believe that the way it's written right now, that it...if they wanted to enforce it, they could. But it's going to take...it's probably going to be one of those things again that's complaint driven that they have to get a call for.

CHAIR MOLINA: Okay. Thank you very much, Member King. All right. Vice-Chair Rawlins-Fernandez, you had something to say before we defer? Okay. Members, just letting you know, it's about ten minutes to 1:00, and we got Member Sinenci's meeting coming up at 1:30. Some of us will need to be there, and hopefully we can get some sustenance along the way. And not only for the Members, but for our Staff. So okay, Members, let's go. Go ahead --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: -- Vice-Chair Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make this quick, Chair, Member

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

**January 4, 2022**

---

Paltin. I just wanted to clarify one of the statements that was made, that the amendments don't carry to the next meeting. That if we want those amendments, we just...we put it on the bill, we put it on the legislation and we post it to the agenda, and that's how the amendments will carry through to the next meeting. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Member Paltin?

COUNCILMEMBER PALTIN: Just question for you. I like the Commission on Children and Youth idea. Will you, when you reagendaize this, get in touch with them and Sunshine Law it in the right way or something?

CHAIR MOLINA: Yeah, let me...let me check with Staff on the best way to do the notification. I don't know if maybe it's just a...a chair from the...your Committee Chair to the Chair of the Cost...Children and Youth, and maybe routed through to the Mayor first, and then he would then route it to the Chair of the Children and Youth. So at least to alert them and make comments as to how they feel about taking on the responsibilities of the appeals process. Yeah. Yeah, I'm certainly open to that when --

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: -- when we do bring this matter back.

COUNCILMEMBER PALTIN: Yeah. Because you know, if people are drinking at home and they're adults, it wouldn't apply...so Children and Youth.

CHAIR MOLINA: Yeah. Okay. Very good point. Yes, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Real...real quick. The Mayor is not the gatekeeper to the Council communicating with boards, commissions, and committees. I believe we can directly communicate. So we can send this bill, the proposed legislation that you would be drafting to potentially include them in, the Youth and Commission...the Youth Commission so that they can together have a discussion and come up with their recommendations before we ask the Chair to attend our next meeting when this is reagendaized. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you for that. I...I worked for a previous Administration where any request from a board or commission would have to go to the Mayor and then the Mayor routes it, but I guess this Administration maybe takes a more looser...has a more looser policy on that. So okay, if that's okay with the current Mayor, then we can get that clarified. All right. Anything else before we defer? Okay. Members, now...okay, any...well, anyway, I think I've stated enough about my concerns. So we'll go ahead and bring this back hopefully in the near future. I can't promise bringing this back on January 18th. I have the bike tour bill that I wanted to have addressed, so maybe February. But again, I want to thank you all for the discussion. And I...Mr. Collins and Mr. DeRego, also for your participation, as well as Chief Pelletier. Chief, welcome to

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

**January 4, 2022**

---

Maui County. Hopefully all of our discussions don't, you know, become this passionate, and...but it is what it is. Welcome to the County of Maui. And Mr. Collins, of course, you can get the word out to those from MADD and all of the entities other related to concerns about underage drinking about what transpired today. And when we do have a meeting in the future, definitely bring out testimony. I know all of us would like to hear from both sides of this issue on any proposals being made. So okay, with that said, any objections to deferring?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

CHAIR MOLINA: All right. Okay. All right. Thank you, Members.

**GREAT-11(10): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: GEOFFREY E. WITTMER, AS THE SPECIAL ADMINISTRATOR FOR THE ESTATE OF ERIC G. WITTMER, DECEASED, V. COUNTY OF MAUI, MAUI POLICE DEPARTMENT, ET AL.; CIVIL 19-1-0198(1)) (CC 21-40)**

CHAIR MOLINA: Now, we have one last agenda item. Obviously, we're not going to get to that today. It is a time-sensitive matter from what I was told. I'm trying to hear...get a response back from Staff with regards if we could push this to our January 18th GREAT agenda, if there's time. I guess, Ms. Espeleta or Mr. Paredes or anyone from OCS, any...any response? Maybe Mr. Bilberry, if he's on...on the call right now. With regards to your matter, could we push this to our January 18th agenda, or do we need to recess and address this matter today, or later this week? Mr. Bilberry, thank you. And thank you for your patience, Mr. Bilberry.

MR. BILBERRY: Oh, no problem. Interesting discussion. So Happy New Year, everybody. Happy Year of the Tiger. Yes, we have a mediation scheduled for January the 24th, so if you could get this matter on, on January 18th, that would be fine.

CHAIR MOLINA: Yeah. Mr. Bilberry, if we...January 18th, yeah, we could discuss the matter, discharge it out of Committee or defer it, and then vote on it at the Council meeting which I believe is scheduled for January 21st, Chair Lee, is that the next Council meeting?

COUNCILMEMBER LEE: 21st.

CHAIR MOLINA: Okay. Yeah, we can do it that way. So we could have the executive session and everything else on the 18th, defer, and then take action on the 21st. And I believe that would be sufficient to meet your deadline --

MR. BILBERRY: Yeah.



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

**January 4, 2022**

---

CHAIR MOLINA: -- Mr. Bilberry.

MR. BILBERRY: Yeah, that's perfect.

CHAIR MOLINA: Okay. Okay. Very good. All right. So Members, no objections to deferring GREAT Item 11(10) related to the Geoffrey Wittmer versus the County of Maui case. Any objections to deferring that?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

CHAIR MOLINA: Okay. So ordered. All right, Members. I think this concludes one heck of a meeting today. What a way to start the New Year off. So anyway, thank you, everybody, for your comments and thoughts. The GREAT Committee meeting for Tuesday, January 4th, 2022...oh, Staff, anything the Chair needs to be made aware of before we adjourn?

MS. ESPELETA: No, Chair, there is nothing further.

CHAIR MOLINA: Nothing further?

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

CHAIR MOLINA: Oh, great. Good. Thank goodness. All right. Okay. With that being said, the January 4th, 2022, GREAT Committee meeting is now adjourned. The time is 12:55 p.m. . . .(gavel). . .

**ADJOURN: 12:55 p.m.**

APPROVED BY:



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

great:min:220104:ds

Transcribed by: Daniel Schoenbeck

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

**January 4, 2022**

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 83 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 16th day of February 2022, in Kula, Hawai'i

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

Daniel Schoenbeck