

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**Online Only via BlueJeans Link**

**June 28, 2022**

**CONVENE: 9:02 a.m.**

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

**STAFF:** Brittney Sunderland, Legislative Analyst  
David Raatz, Deputy Director of Council Services  
James Forrest, Legislative Attorney  
Shelly Espeleta, Supervising Legislative Analyst  
Stacey Vinoray, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
Lei Dinneen, Council Services Assistant Clerk

Zhantell Lindo, Council Aide, Molokai Council Office  
Denise Fernandez, Council Aide, Lanai Council Office  
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office

Anabelle Hernandez, Executive Assistant to Councilmember Molina  
Axel Beers, Executive Assistant to Councilmember King  
Christian Balagso, Executive Assistant to Councilmember Paltin  
Daniel Kanahele, Executive Assistant to Councilmember King  
Davideane Sickels, Executive Assistant to Councilmember Kama  
Dawn Lono, Executive Assistant to Councilmember Sinenci  
Ellen McKinley, Executive Assistant to Councilmember King  
Evan Dust, Executive Assistant to Councilmember Kama  
Kainoa Kaumeheiwa, Executive Assistant to Councilmember  
Rawlins-Fernandez  
Kate Griffiths, Executive Assistant to Councilmember Johnson  
Lois Whitney, Executive Assistant to Councilmember Kama  
Roxanne Morita, Executive Assistant to Councilmember Johnson  
Sarah Sexton, Executive Assistant to Councilmember King

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

**June 28, 2022**

---

**ADMIN.:** Keola Whittaker, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Ipo Mossman, Executive Assistant, Office of the Mayor  
Richelle Thomson, First Deputy Corporation Counsel, Department  
of the Corporation Counsel  
Jordan Hart, Deputy Director, Department of Planning  
Johann Lall, Geographic Information System Analyst V,  
Department of Planning, Long Range Division

**OTHERS:** Shichao Li  
Sam Small  
Jeffery Paisner  
Brad Salter  
Edward James Rickord  
Junya Nakoa  
Kanam Balinbin  
Tom Lemke  
Randon Alika Sanches  
Patricia-Helen Kahulumalani Lindsey Maluo-Pearson  
  
Plus (12) other people

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

---

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting for Tuesday, June 28th, 2022, will now come to order. I'm Mike Molina, Committee Chair. And for the record, I'm transmitting out of the Council Chambers here in Wailuku accompanied by two of my colleagues, Councilmember Yuki Lei Sugimura and Councilmember Kelly King. Now, Members, let's go ahead and begin with Committee roll call first, and I'll recognize my Committee Vice-Chair, who will be...as a matter of fact she'll be joining us real soon. In the meantime, let's recognize Chair Alice Lee. Good morning and aloha, Chair Lee.

COUNCILMEMBER LEE: Good morning, Mr. Chair, and all of your chickadees and chickadoos. Today's greeting is from West Africa...Guinea, West Africa, and it is yu orait. Yu orait, everybody. I'm here in my office --

CHAIR MOLINA: All right.

COUNCILMEMBER LEE: -- in the building...I'm in the building, and no one's here in my office with me. Thank you.

CHAIR MOLINA: Okay. Mahalo, Chair Lee. Yu orait and aloha to you. And Members...and thank you, Chair Lee, for bringing that reminder to all of us that in accordance with the

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

**June 28, 2022**

---

Sunshine Law, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. So, with that said, let's recognize another one of our Committee Members, and all the way back from the wonderful country of Finland, representing the Island of Lānaʻi. Aloha and yu orait to you, Gabe Johnson.

COUNCILMEMBER JOHNSON: Yu orait to you and all of fellow Councilmembers. I don't know if I'm saying that right, but happy to be back. I'm home alone in my workspace. There are no testifiers at the Lānaʻi District Office. And happy to see all of you, and ready to work with my fellow coworkers. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Mr. Johnson. Chair would now like to recognize from South Maui, Councilmember King.

COUNCILMEMBER KING: All right. Aloha kakahiaka and yu orait. Spelled...just for the public, spelled Y-U O-R-A-I-T. Thank you for bringing us that greeting, Chair Lee. And I am in the Chambers today, and the word from the district office in South Maui is there are no testifiers.

CHAIR MOLINA: Okay. Mahalo, Member King. Yu orait. And also yes, from the Pāʻia District Office as well, we've...we are reporting no testifiers there. Okay. Let's recognize now, all the way from East Maui, Mr. Yu Orait, and aloha, Shane Sinenci.

COUNCILMEMBER SINENCI: Hey, yu orait, Chair, and aloha kakahiaka kākou, mai Maui Hikina. For today's meeting we're at the Hāna Cultural Center with my Staff Dawn Lono. And currently, Chair, there are no testifiers. Aloha, everybody.

CHAIR MOLINA: Aloha, Mr. Sinenci. And I'd like to now recognize one of my colleagues here in the Council Chambers, Councilmember Sugimura, Yuki Lei Sugimura, yu orait and aloha.

COUNCILMEMBER SUGIMURA: Yu orait also, and good morning, everybody. I'm here in the Chambers with Kelly King and Mike Molina. It's good to be here. And looking forward to your GREAT Committee, Chair.

CHAIR MOLINA: Mahalo, Member Sugimura. Let's take a drive out to West Maui and check out Councilmember Tamara Paltin. Aloha and yu orait.

COUNCILMEMBER PALTIN: Yu orait and aloha kakahiaka kākou. Broadcasting live and direct from rainy old Hilo Town where it's raining. I'm here with my parents, Samuel and Mildred Paltin and their...the physical therapist is here as well, Terry Takahiro (*phonetic*). There's no testifiers at the District Office. And looking forward to a great meeting. Thank you.

CHAIR MOLINA: Thank you. Mahalo, Member Paltin. Yeah, sorry about that, you're

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

**June 28, 2022**

---

transmitting from Hilo. Wonderful, wonderful place where I went to school at many, many years ago. All right. Let's go now and check in on the neighborhood. Aloha and yu orait, Councilmember Kama. Aloha.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And yu orait to all my fellow Councilmembers. I am here in my home in my workspace, in my small little part of my apartment, and Lena and her caregiver are in the next room. Good morning, everyone.

CHAIR MOLINA: Good morning, Member Kama. And our Committee Vice-Chair has now joined us all the way from the Island of Moloka'i. Aloha and yu orait, Committee Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I'm at the Moloka'i District Office. We have no testifiers here at the office. I'm alone on my side of the office, and we have Zhantell Lindo, our Community Outreach Specialist, on the other side of the office.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. And joining us as...for our proceedings today from Corporation Counsel will be Deputy Corporation Counsel Keola Whittaker, as well as First Deputy Corporation Richelle Thomson. From the Office of the Mayor we'll be hearing soon from Mr. Ipo Mossman. And our Committee Staff, I'd like to recognize our Legislative Analyst Brittney Sunderland, Supervising Legislative Analyst Shelly Espeleta, Legislative Attorney James Forrest. And filling in for Pauline Martins we have Stacey Vinoray as Committee Secretary. And we have Lei Dinneen, who is our Council Services Assistant joining us. And we have a very good agenda today. We've got a number of nominees to consider, as well as a very important item out in West Maui. But first, Chair would like to go over our ground rules for public testimony. Oral testimony via phone or video conference will be accepted. Please note that if you are signed in, you are on the list to testify even if you do not intend to testify, so just want to make you aware of that. And please let Staff know in chat if you are signed on and do not intend to testify. And testifiers wanting to provide video testimony can join via the BlueJeans meeting link at 175115369, and those wanting to provide audio testimony can dial 1-408-915-6290 and enter the meeting code that I just mentioned. The Committee intends to keep the same meeting link and phone number for future GREAT meetings this term for the ease and convenience of the Committee Members and the public. Written testimony is also highly encouraged. And for those of you who would like to submit testimony via eComment, you can do that by going to [mauicounty.us/ecomment](https://mauicounty.us/ecomment). Oral testimony this morning is going to be limited to three minutes, and if you are still testifying beyond that time, we will kindly ask you to complete your testimony, and you will likely hear a bell to let you know that your time is up. And when testifying, please state your first and last name. If you are testifying on behalf of an organization or if you are a paid lobbyist, please inform the Committee of that. 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 while others are testifying, please be courteous by turning off your video and muting your microphone while waiting

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

**June 28, 2022**

---

for your turn to testify. And for those of you who just wish to view the meeting without providing testimony, you can always turn on your tele to cablecast on *Akakū* Channel 53, and also you can visit [mauicounty.us/agendas](http://mauicounty.us/agendas) to access live and archived meeting videos. So, with that said, also...yeah, please be aware, every now and then we may get a little technical glitch, so please be patient with us if that occurs. So, with that said, I will call upon Ms. Sunderland to announce our first set of testifiers. Ms. Sunderland?

MS. SUNDERLAND: Chair, we currently have nine people signed up to testify. The first testifier is Shichao Li, to be followed by Sam Small.

CHAIR MOLINA: Okay. Good morning.

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

MR. LI: Sorry, I'm not a testifier. I'm just listening and sitting in to see. Yeah, sorry about that.

CHAIR MOLINA: Okay. No apologies necessary. Thank you for letting us know. Ms. Sunderland, please announce our next testifier.

MS. SUNDERLAND: The next testifier we have listed is Sam Small, to be followed by Jeffery Paisner.

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

MR. SMALL: Good morning, Chair Molina. Can you hear me?

CHAIR MOLINA: Loud and clear.

MR. SMALL: Oh, great. Okay. So, hey, thank you again, it's always an honor and a pleasure to be engaged in the democratic process. Thank you for the opportunity to support 22-158, eminent domain process with certain conditions. You know, Corporation Counsel has...essentially must be excluded from the eminent domain process. This Council deserves the right to get independent legal advice and legal representation separate from Corporation Counsel. Moana Lutey, John Rapacz before he retired, and others are deeply conflicted, they have repeatedly misrepresented the facts to this Council. There was no investigation into Rulan Waikiki and other plan examiners taking bribes. Just yesterday, announced on O'ahu, 30-month prison sentence given to a 72-year-old plan examiner who had been working in the planning department there for decades, taking bribes on a consistent basis. That's going on there, it's going on here in Maui County, too. And the investigation, separate matter, 159, hopefully will expose a lot of that. Rule changes to stop this kind of thing are really simple and...and absolutely, we can provide and have provided the Council. So, under that umbrella, that darkness, this Council must secure independent representation from Corporation

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

**June 28, 2022**

---

Counsel. As well, this process must not turn into a payday for Greg Brown. He listed his property, you know, for sale at \$14 million. Not going to happen. The many proven layers of misrepresentation by Brown in order to secure his SMA permit exemption, the underlying permit exemption based on this Council's language of validity of permit renders the value of his construction at zero. All...the only value that can be considered is the value of the land itself. . . .(timer sounds). . . .(inaudible). . . are...are...are gone out the window. Can I have 30 seconds more?

CHAIR MOLINA: Yeah. Go ahead, Sam.

MR. SMALL: Thank you. Michele McLean has been lying to this Council. This property, Brown's property, is in a mixed-use district that includes hotels. Short-term rentals with no permits are how it's done in Nāpili Bay because it is zoned for that. Michele McLean's promise that the County will never issue a short-term rental permit to Brown is intentionally misleading because he's not required to ask for one. So, I believe that Michele McLean should also be excluded from the proceedings of eminent domain. Thank you for your support.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Small. Members, any need to clarify Mr. Small's testimony? Seeing none. Thank you for your testimony, Sam. Okay. Ms. Sunderland, please continue with announcing our next testifiers.

MS. SUNDERLAND: The next testifier we have signed up is Jeffery Paisner, to be followed by Paul Adoben (*phonetic*).

CHAIR MOLINA: Good morning, Mr. Paisner.

MR. PAISNER: Can you hear me, Councilman Molina?

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

MR. PAISNER: Okay. Thank you, sir. I'm going to make this brief. I just want you to know that I support 1,000 percent everything that Mr. Small just said. I believe you've all taken an oath of office. You must apply the laws equally to all citizens on Maui, not to certain developers who may finance some of your campaigns. You must treat us all equally. And if you want to have any credibility about formulating any zoning laws whatsoever, then you must enforce them equally across the board with all citizens, and not allow certain citizens to get special preferential treatment. If you do so, you have lost any credibility to promulgate any laws or enforce any laws, and you have opened Pandora's Box for all of us to violate the laws, and then point at how you have handled George [*sic*] Brown's case. You must treat us all equally, that is your oath of office, and you must honor it, and not honor the people that contribute to your campaigns. Thank you, Mr. Molina.

CHAIR MOLINA: All right. Thank you very much, Mr. Paisner. Members, any need to clarify

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

**June 28, 2022**

---

Mr. Paisner's testimony? Okay. Seeing none. Thank you for your testimony, Mr. Paisner. Ms. Sunderland --

MR. PAISNER: Mahalo.

CHAIR MOLINA: -- please continue with announcing our next testifiers.

MS. SUNDERLAND: Chair, the next testifier we have signed up is Brad Salter, to be followed by the individual calling in with the phone number ending in 0356.

CHAIR MOLINA: Good morning, Mr. Salter.

MR. SALTER: Good morning, Councilman Molina. How are you? And good morning, Committee...

CHAIR MOLINA: Doing good, and you?

MR. SALTER: Good. All right. And appreciate the opportunity to really just support 22-158 and all the things that Mr. Small and Mr. Paisner said. You know, the Council has an opportunity here to...to call something out that's been going on and...and...and find out what really happened, and why this Brown development was...was approved when by all appearances, it should not have been. You know, we...we...and...and...and this issue of short-term vacation rental, of course, you know, he said this was a single-family home and it's built to hotel standards. And we do believe that this was always his intent, you know, looking for a big payday through vacation rentals and...and saying that that was never his intention. I mean, we...we don't even know, he may have used vacation rental income for his financing, and these things will all come out during this investigation to see if that's something that he did. But I just want to support the Council, and I really appreciate that you're taking this step to look at eminent domain to...to recapture that...that area for the community, and to take care of the people in Nāpili. I drive by there every day, and every day I shudder when I see the size of this building that just basically eclipses everything else in Nāpili Bay. And if you all haven't been out there to see it, each and every one of you, I...you know, take a trip to Nāpili. It's beautiful. Nāpili Bay is gorgeous. And I think you'll see for yourselves how wrong this development is. So, thank you for your continued support in the community, and for your courage to take on this...this matter in the GREAT Committee. Thank you very much.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Salter. Members, any need to clarify Mr. Salter's testimony? Seeing none. Thank you for your testimony. Ms. Sunderland, please continue.

MS. SUNDERLAND: Chair, the next individual we have signed up is the person calling in with the last four numbers of their phone number 0356, to be followed by Junya Nakoa.

CHAIR MOLINA: Okay. Testifier 0356, you have the floor. Testifier 0536 [sic].

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

**June 28, 2022**

---

MR. RICKORD: Hello. Yes.

CHAIR MOLINA: Oh, go ahead, sir. Go ahead and please state your full name for the record and start with your testimony.

MR. RICKORD: I'm not going for testimony, this is for appointment to the Board of Variances and Appeals.

CHAIR MOLINA: Okay. Well, tell you what, just standby, once we get to...to that item, we'll go ahead and recognize you. For the record --

MR. RICKORD: Okay.

CHAIR MOLINA: -- may I ask who am I speaking with?

MR. RICKORD: This is Edward Rickord.

CHAIR MOLINA: Okay. Mr. Rickord, yeah, I believe you're a nominee for the Board of Variance. That's right, I saw your name on the agenda. Okay. Mr. Rickord, so once we get to the item, we'll...we'll call on you if you'd like to provide any comments. As a matter of fact, you know what --

MR. RICKORD: No problem.

CHAIR MOLINA: -- you can provide testimony now if you like, and state your intentions as to why you would like to be considered for the Board of Variances if you want that opportunity now.

MR. RICKORD: Yes, that'll be fine. Thank you.

CHAIR MOLINA: Go ahead.

MR. RICKORD: It's just, you know, Maui has been good to me over the years, I've lived here over 30 years, and I just want to try and give back and improve the community. You know, especially the...the people that need help, instead of helping so much like the developers or people just coming here. The people that are having to move to the mainland, you know what I'm saying, because they can't afford this or can't afford that. Maybe look at new ways to do affordable housing. You know, just...just to help out, you know. And I do have a little bit of knowledge if you look at my background, and I'm not afraid to go knock on doors and talk to people, and see what they're looking for too. So, I think I can help out on things like that.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Rickord. Members, any need to clarify Mr. Rickord's testimony? Yeah, hang on, Mr. Rickord, we have a question



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

**June 28, 2022**

---

for you regarding your testimony from Member Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Rickord.

MR. RICKORD: *(audio interference)*

COUNCILMEMBER SUGIMURA: I looked at your...I looked at your application. And what's interesting to me, can you tell what experience you have with Cliffs of [sic] Kahakuloa for the Board of Variance and Appeals? I thought that's very interesting, that must be.

MR. RICKORD: Well, just...it's like...it was like the water board and then the...it's the water board we had out there, and then it's the subdivision too for the Cliffs at Kahakuloa. I was on those boards there. Just to kind of figure out, you know, how we...because what happens is I...I've been out there for like 20-some years, and the developers came in, they had certain things that, you know, the new homeowners didn't really like, and we just tried to make adjustments to fit the new homeowners so it'd...it'd be...work better for us. It would be fair all over.

COUNCILMEMBER SUGIMURA: Oh, so you're on their board, or you were with a group of residents who are --

MR. RICKORD: Yeah.

COUNCILMEMBER SUGIMURA: -- Kahakuloa...

MR. RICKORD: Yes. Yes.

COUNCILMEMBER SUGIMURA: Oh, so you understand how the process works with communication --

MR. RICKORD: Yeah.

COUNCILMEMBER SUGIMURA: -- and negotiation?

MR. RICKORD: Yeah. To me it's just, you know, sit back and you listen, you give your two cents and you sit back and you listen, then you come back and you try to solve the best problem that's going to work best for the local people and, you know, for the people moving in and the people moving out. You got...you have to...you have to listen to all...all ideas because when your mind is closed, you can't hear anything; but when your mind is open, it can change the way you think. So, communication is probably the most important thing that I think most people are forgetting to do. So, you know, that's what I try to do.

COUNCILMEMBER SUGIMURA: Thank you.

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

**June 28, 2022**

---

CHAIR MOLINA: Okay. Thank you --

MR. RICKORD: You're welcome.

CHAIR MOLINA: -- Member Sugimura. Members, any other need to clarify Mr. Rickord's testimony at this time? Also, keep in mind, once we do get to that item, you'll have an additional opportunity to ask Mr. Rickord questions if you have any with regards to his nomination. Okay. So, seeing no questions now. We'll excuse Mr. Rickord for now, and then once we get to that item, we'll ask him to be on standby to answer any questions. Okay. Ms. Sunderland, please continue with announcing our next testifier.

MR. RICKORD: Thank you.

MS. SUNDERLAND: Chair, the next testifier we have signed up is Junya Nakoa, to be followed by Kanamu Balinbin.

CHAIR MOLINA: Good morning, Mr. Nakoa.

MR. NAKOA: Good morning, morning, morning. You guys can hear me?

CHAIR MOLINA: Loud and clear.

MR. NAKOA: Yassah. Okay. Yeah. Try wait, I'm War Memorial Stadium for da kine, championship game between West Maui and Central *(audio interference)* Yassah. *(audio interference)* But we get this legal thing, yeah, this eminent domain. I supporting the, you know, decision to do 'em, kind of wish we did 'em last year, 18 months ago. Also, I...I...I agree with Sam Small about Corp. Counsel not being involved in this at all because I going tell you straight up, I going tell you straight to your guys' ears and faces, I wish I was in front you guys' faces, but I no trust those buggahs, okay. They putting...they putting you guys in this hard position right now because I know you guys could have done something back 18 months ago, but I know in executive sessions, when all these meetings that you guys have with the Mayor and the...Sandy Baz, I know it was kind of...I know...I know it's been said that no do nothing because this guy get money, he going like sue...sue the County, all that kine stuff. But through all the investigation that has been happening, we found...found another illegal thing that is in this project. Again, unpermitted walls, the heights, the square footage, you know, the SMA, you know, supposed to be for single-family home. But then his lawyer and Michele McLean claims that they...all this time, they was going to make it a short-term rental. So, it was not like it was going to be a single-family home, it was going to be short-term rental. So, again, that alone itself shouldn't have had...passed the SMA permit. So, you guys could have had that thing down from the very beginning, but Corp. Counsel has put you guys in position...in this ugly position. So, I going tell you guys right now, support the eminent domain, but let's make sure we investigate this Greg Brown thing because...and I going mahalo Kelly King for doing a full-blown investigation because I bet you anything we going...we going find out that Greg Brown and his team did a

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

**June 28, 2022**

---

little...a lot of illegal stuff. And this is where we can go ahead and have him break 'em down at his cost, not one penny of the taxpayers' money, so that's what we got to work on in just making sure that we can get this investigation done. Good investigation, not employed by Corp. Counsel, and...and do it for the people. And like the bruddah said, for the people of Nāpili who sick and tired of looking at 'em. . . .*(timer sounds)*. . . Even if you...I going finish off real quick, bruddah. I going finish real quick. But you know, if you guys do go buy this damn thing, it's ugly. I no care if you like put one . . .*(inaudible)*. . . cultural center on 'em or whatever, it's still ugly. We still think it's ugly, no matter what, okay. The people...the real people of Nāpili, the people who pass there every day no like 'em kine, so no let the...Michele McLean get away with this. Jordan Hart is part of the problem because he came to the site visit, all this guys is the problem. Okay. Guys, mahalo.

CHAIR MOLINA: Okay. Thank you, Mr. Nakoa. Members, any need to clarify Mr. Nakoa's testimony? Seeing none. Mahalo, Mr. Nakoa, and good luck with today's game.

MR. NAKOA: Yeah, we going...we going need 'em because Central pretty good. Okay.

CHAIR MOLINA: Okay.

MR. NAKOA: Shoot.

CHAIR MOLINA: Bye. Aloha. Okay. Ms. Sunderland, please continue with announcing our next testifiers.

MS. SUNDERLAND: Chair, the next testifier we have signed up is Kanamu Balinbin, to be followed by Collete Cardoza.

CHAIR MOLINA: Good morning, Mr. Balinbin. Mr. Balinbin, if you're on the call, this is your opportunity to testify.

MR. BALINBIN: Can you hear me now?

CHAIR MOLINA: Oh, we can hear you now. Go ahead.

MR. BALINBIN: Hey, howzit. Nothing like a good bodysurfing, bodyboarding session at Kā'anapali to clear your mind. Anyhow, you know, I want to thank...I want thank you guys for allowing me to testify today on behalf of, you know, the people from West Maui and Nāpili, Nāpili Bay Community Association. You know, eminent domain, I totally support eminent domain, you know, under...under circumstance...you know, under certain circumstances. Once again, I want to reiterate that independent counsel needs to be involved in this process. Like I said, I have a Board of Ethics complaint. I don't understand this part, you know, I just going put that out real quick. I don't understand how I cannot have a Board of *(audio interference)* to the people who I have the complaint against are sending it right back to Corp. Counsel. It's...it's crazy that...kind of like

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

**June 28, 2022**

---

they're investigating themselves on like...like how they claim that the Planning did an internal investigation. So, all of this hopefully is all going to come out during this eminent domain procedure when it happens. And on that, you know, I...I...and I get the valuation of that...that property is \$14 million. I remember back when Halama Drive [sic] had their...had their dispute and that group, you know, I believe they were asking for like 22 million, and I believe that group that fight...you know, the group of citizens that fought them, and I believe it took a year and a half, but you know, they brought it down to 12 million, you know, just the valuation of the property. So, if we can...if we can get it down somehow because of, you know, there's some gross misrepresentation by the engineers, by Greg Brown on the...you know, the wall, the square footage. God, every time...you know, I go...I went....I just went to my friend Danny's (*phonetic*) house lives right below there, and that wall...we just...the contractor just laughed at it because now...now my...my...my Tongan contractor friends, people are asking them to...asking him to build the wall for \$15,000 because that's what they heard that cost for that wall. And he just laughs and tell them no, maybe 150, maybe 175, maybe 200. So, anyhow thank you for opportunity to testify. You know, I'm happy, it looks like...it looks like good things are going to, you know (*audio interference*) be the outcome. And whether it was...you know, it's...I don't want to come across, you know, saying it was too late, you know, everybody's saying that, but at least something is being done right now. A solution is...is being brought forth. And I really thank you guys, Kelly King, Tamara, Councilmembers, thank you guys for...for taking this step. People of West Maui appreciate that. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Balinbin. Members, any need to clarify Mr. Balinbin's testimony? Seeing none. Thank you, Kanamu, for your testimony.

MR. BALINBIN: Okay. You guys have a great day. Aloha.

CHAIR MOLINA: Aloha. Okay. Ms. Sunderland, please continue with announcing our next testifier.

MS. SUNDERLAND: Chair, the final testifier we have signed up is Tom Lemke.

CHAIR MOLINA: Good morning, Mr. Lemke. Tom Lemke, if you're on the call, this is your opportunity to testify. Last call for Tom Lemke for testimony. Okay. Oh, I see Tom Lemke on the call, but if you could unmute and provide testimony, this is your chance. Going once, twice, three times. Ms. Sunderland, before we go back to Mr. Lemke, are there any...is there anyone else signed up for testimony?

MS. SUNDERLAND: Chair, we have no further testifiers.

CHAIR MOLINA: Okay. Mr. Lemke, this is your last call. Wait a few seconds. Okay. I've been informed it looks like Mr. Lemke has left the call as well. So, with that said, Members, any objections to closing public testimony for our agenda items here today? Any objections?

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

**June 28, 2022**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR MOLINA: All right. Okay. Sorry, I see Member Paltin with a question. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I had...I had to step away for a moment, but we did hear Mr. Dillingham's *(phonetic)* testimony?

CHAIR MOLINA: Mr. Dillingham...did we have a...Ms. Sunderland, was there a testifier with the name...last name of Dillingham?

MS. SUNDERLAND: They were on the call earlier and notified us that they were not signed up to testify and did not request to.

COUNCILMEMBER PALTIN: Oh, okay. All right. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. All right. Seeing no objections, Chair will close testimony for our agenda today.

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

**GREAT-2(46) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**  
**(RESOLUTION 22-128, COST OF GOVERNMENT COMMISSION)**  
**(CC 19-24)**

CHAIR MOLINA: All right. Members, let's get right into business here with our first agenda item, and that has to do with boards, commissions...and committees and commissions. This is for the appointment of Randon Alika Sanches to the Cost of Government Commission, and this would be for a term expiring on March 31st, 2023, to fill a vacancy replacing Noemi Barbadillo. And I'd like to call upon Mr. Mossman from the Mayor's Office to provide us an overview of the nominee. And if the nominee is on the call, we'll give the nominee an opportunity to share their thoughts with us. Good morning, Mr. Mossman.

MR. MOSSMAN: Good morning, Chair Molina and Councilmembers. Yu orait. I like that. Let me introduce Mr. Sanches, Randon Sanches, Alika, comes from a family on Lānaʻi that are...is very, very involved in our volunteer process with the Boards and Commissions. Randon had put in for...an application for the Persons with Disability and we had no openings at the time, but what I wanted to do was explain that we did talk to Mr. Randon, and we had an opening with the resignation of Noemi Barbadillo from the board, and we talked about it, and he was very excited to sit on this board. And we're very excited to have him on behalf of the...the...the Mayor's nominee to this board only because of what he brings to the board from the family on Lānaʻi. So, I'm not sure if

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

**June 28, 2022**

---

Mr. Randon is on the call, I saw him on there earlier, but we'd like to welcome him as Mayor Victorino's nominee to the Cost of Government.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Mr. Sanches, if you're on the call, if you could, I guess, turn on your video, and feel free to provide us some opening comments as to why you would like to be considered for this commission. Aloha, Mr. Sanches. Maybe take about --

MR. SANCHES: Aloha.

CHAIR MOLINA: -- a minute or so to share your thoughts with the Committee. Go ahead.

MR. SANCHES: I think...oh, sorry. I don't know...I'm not even prepared for this, but I'd be beneficial because we're plumbers here, so we pretty much outreach to almost every single person on the island, and we always rapport build with them. So, we've been able to like communicate what could...what kind of, what you call, policies or...sorry, I lost my train of thought...County operations and policies would help better or what they would need, you know.

CHAIR MOLINA: Okay. Very good. All right. What I'm going to do, Mr. Sanches, if you don't mind, I'm going to...one of our Members asked for your presence. Typically, the Chair will bring in a nominee if there are four Members that asked, but out of courtesy to our Committee Vice-Chair, who did ask for your presence, I'm going to recognize her to ask you questions. And then after the completion of questions, I'm going to recognize Lānaʻi Councilmember Johnson for any other comments, and then we'll move forward. So, Committee Vice-Chair Rawlins-Fernandez, any questions for Mr. Sanches?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Sanches. Mahalo for your willingness to serve on this commission. And...and don't feel singled out, I request for all the nominees to come before the Council. So, don't worry, yeah, I'm not picking on you in any way. Okay. So, I...I generally like to ask nominees three questions. The first question is regarding attendance. Do you foresee any concerns with making--I believe it's a monthly meeting? Is that correct, Ms. Mossman, it's a monthly meeting?

MR. MOSSMAN: Yes. Yes, it is.

MR. SANCHES: There shouldn't be any problems on attendance. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. And Ms. Mossman explained the attendance policy, correct?

MR. SANCHES: Yeah, and I've...I just recently overlooked it too.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Great. Okay. And then my second question is regarding your experience with the Cost of Government Commission. Have you ever

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

**June 28, 2022**

---

attended any of the meetings, watched any of the...the replays or reviewed any of the meeting minutes?

MR. SANCHES: No, I haven't had a chance to. Yeah. I was prepared for the other committee versus --

VICE-CHAIR RAWLINS-FERNANDEZ: Right, right.

MR. SANCHES: -- this. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: I...yeah, I understand. I understand. But your name is being put forward for this, the Cost of Government Commission, so *(audio interference)*

MR. SANCHES: Yeah. And then I...I did look over some of the...just the briefing of what the committee is and...

VICE-CHAIR RAWLINS-FERNANDEZ: And the responsibilities?

MR. SANCHES: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: And you understand the responsibilities of this commission?

MR. SANCHES: Yeah, I do.

VICE-CHAIR RAWLINS-FERNANDEZ: And how do you see your background and experience contributing to the roles and responsibility of *(audio interference)*

MR. SANCHES: Just being a member of this community, I think speaks volumes for my role to play in the committee, and just that we've talked story with many people on island. So, it can kind of see if things that are already assigned or like the...what do you call, the...

VICE-CHAIR RAWLINS-FERNANDEZ: So, one of the roles...so you...you...you spoke in your opening comments about improving policies, procedures, and the operations of government. Do --

MR. SANCHES: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: -- you understand how our County Government operates in order to improve the processes?

MR. SANCHES: Kind of, not fully. Yeah, I know that you got to go through like commissions and planning and all of that, but I'm not fully aware. Yeah.

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

**June 28, 2022**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I will yield to my colleagues, Chair. Mahalo, Mr. Sanches.

MR. SANCHES: Thank you.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. Okay. Chair would like to recognize Lānaʻi Councilmember Mr. Johnson, if he has any questions or comments with regards to Mr. Sanches' nomination. Mr. Johnson?

COUNCILMEMBER JOHNSON: Sure. Good to see you, Mr. Sanches. I understand, is it your father that's also going to be applying today for a commission?

MR. SANCHES: I think so, yes, he is. He was on the aging one...the Commission on Aging.

COUNCILMEMBER JOHNSON: Right. Okay. So, --

MR. SANCHES: *(audio interference)*

COUNCILMEMBER JOHNSON: -- I note that you first applied for the commissions with disabilities act [sic], and --

MR. SANCHES: Yeah.

COUNCILMEMBER JOHNSON: -- and that's...that's the commission that I was on when I first applied and I appreciate your...your, you know, your willingness to serve on that commission. So, I guess now that you're on...you're applying for this new commission, I...I figured I'd ask you who asked you to switch? Was it your own idea, or someone *(audio interference)*

MR. SANCHES: They were...they offered me the opportunity to fill in for the...the other commission.

COUNCILMEMBER JOHNSON: Uh-huh.

MR. SANCHES: Yeah. And I said yes.

COUNCILMEMBER JOHNSON: Okay. All right. And then on...on your application, it said you're the Lānaʻi High School Tennis Team's coach. Are you still the coach?

MR. SANCHES: Yeah, I...we're still coaching, yeah.

COUNCILMEMBER JOHNSON: And I know Councilmember Keani Rawlins-Fernandez asked about your scheduling. That...being coach and doing this is not going to interfere --

MR. SANCHES: It shouldn't.



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

**June 28, 2022**

---

COUNCILMEMBER JOHNSON: -- *(audio interference)*

MR. SANCHES: Yeah.

COUNCILMEMBER JOHNSON: Yeah.

MR. SANCHES: Yeah, we should be okay.

COUNCILMEMBER JOHNSON: Okay. All right. Sounds good. That's all the questions I have. Thanks so much. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Johnson. And, Members, for your information, the 60-day deadline for the Council to approve or disapprove Mr. Sanches' nomination is July 2nd, 2022, so which means we're not going to take action today. We're going to defer this matter to this Friday's Council meeting, July 1st, where a decision will be made. So, just an FYI for you, Members. Okay. Members, before we move on to our next nominee...all right. Very quickly, a question from Member King. Mr. Sanches, if you can remain on the call. A question for Mr. Sanches, Ms. King? Go ahead.

COUNCILMEMBER KING: Thank you, Chair. Are you there? Oh, aloha, Mr. Sanches, and thank you again for being willing to serve our community. I know you wanted a different committee, so I just wanted to ask you if you had...if you understand the kinds of reports that come out of Cost of Government Commission, and if you have any personal concerns about any specific areas of the government, of the cost of running Maui County Government? If there's anything specific that you have concerns about.

MR. SANCHES: Not at this time. I can't think of anything.

COUNCILMEMBER KING: Okay. Because that's...that's largely what the Cost of Government Commission does, is they actually do reports about --

MR. SANCHES: On the...

COUNCILMEMBER KING: -- various issues.

MR. SANCHES: Yeah.

COUNCILMEMBER KING: So, you'd be able to contribute?

MR. SANCHES: Yes, I would be able to. If I was...I wasn't aware of today's meeting, so I wasn't able to like fully dive into everything. Because the email was on my dad's account, so I didn't have a chance to like fully educate myself on the commission, but I am more than capable of learning and catching up to whatever grounds that are set for that commission.

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

**June 28, 2022**

---

COUNCILMEMBER KING: Okay. All right. I know it's a lot of work, so just wanted to --

MR. SANCHES: Yeah.

COUNCILMEMBER KING: -- appreciate that you...you know, you are...are prepared to step into that realm. And they've been producing some pretty important reports over the last couple of years.

MR. SANCHES: Okay.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. All right.

MR. SANCHES: Thank you.

CHAIR MOLINA: Thank you, Member King. All right. All right. Members, seeing no other questions for Mr. Sanches, I want to thank you for taking the time out to share your thoughts as to why you would like to be considered for this commission. And this Friday, as I mentioned earlier, will be the decision-making day for your nomination. And thank you again for applying, Mr. Sanches. Aloha.

MR. SANCHES: Thank you.

CHAIR MOLINA: All right. Members, any objections to deferring this matter, which is GREAT item 2(46)? And we will...as I stated earlier, we'll make a decision on Mr. Sanches' nomination this Friday July 1st. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR MOLINA: All right. Very good. So ordered.

**ACTION: DEFER.**

**GREAT-2(47) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**  
**(RESOLUTION 22-129, COST OF GOVERNMENT COMMISSION)**  
**(CC 19-24)**

CHAIR MOLINA: Okay. Let's go on to our next item on the agenda, which is GREAT item 2(47), and this has to do with the appointment of Poerava U'ilani Tehiva to the Cost of Government Commission for the County of Maui. And this nomination is for a term expiring March 31st, 2024, to fill a vacancy replacing Susan Pu. Once again, the Chair would like to recognize Mr. Mossman for an overview. Go ahead, Mr. Mossman.

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

**June 28, 2022**

---

MR. MOSSMAN: Chair Molina and...Ms. Poerava Tehiva is a resident of Hāna in East Maui. Very passionate, wants to give back to her community. We've had long talks. I'm not sure if she's on the call, but she does a lot for the...for the East Maui area with Festivals of Aloha and Hāna Business Council. We had some nice talks about her passion on giving back to the community, and with that conversation, we wanted to introduce her as the nomination for Mayor Victorino's position to Cost of Government.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Ms. Sunderland, can you confirm if Ms. Tehiva is on the call or not? I don't see her on the call, maybe I'm wrong. I guess she is not on the call. In the meantime, I'd like to recognize East Maui representative Mr. Sinenci if he knows the nominee. Mr. Sinenci, any comments?

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. Yeah, I...I just wanted to express my appreciation to the Administration for considering Ms. Tehiva, an East Maui candidate to fulfill Ms. Pu's recent departure. We in...we are in support of Ms. Tehiva's candidacy today to the Cost of Government. I think as a commissioner and a small business owner, she'd be instrumental in promoting economic diversity, not just for East Maui District, but also throughout Maui County. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. And Members, just for your information, the 60-day deadline for the Council to approve or disapprove this nomination is July 8th, 2022. So, like the first item, we will take action on Ms. Tehiva's nomination on Friday, July 1st. So, just for your information. And Vice-Chair Rawlins-Fernandez did invite the nominee, but the nominee is, I guess, unable to attend, and so there's an opportunity, Vice-Chair, if you or any of the other Members would like to contact the nominee for any questions prior to decision making on Friday. All right, Members. So, any objections to deferring this matter for decision making until Friday, July 1st?

**COUNCILMEMBERS VOICED NO OBJECTIONS**

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

**ACTION: DEFER.**

**GREAT-2(48) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**  
**(RESOLUTION 22-147, MAUI COUNTY CULTURAL RESOURCES**  
**COMMISSION) (CC 19-24)**

CHAIR MOLINA: All right. Members, we're moving along at the speed of light here, we're on our third agenda item, which is GREAT item 2(48), and this relates to the appointment of Patricia-Helen Kahulumealani Lindsey Maluo-Pearson to the Maui County Cultural Resources Commission. And the 60-day deadline for this nomination is July 18th, 2022. And Ms. Maluo-Pearson is applying for a term which expires on March

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

**June 28, 2022**

---

31st, 2025, to fill a vacancy replacing Emily Spenser. So, Chair would like to again recognize Mr. Mossman for an overview. Go ahead.

MR. MOSSMAN: Thank you, Chair Molina. Yes, Ms. Kahulumalani Lindsey Maluo-Pearson again is one of those people that are very passionate in...in volunteering her time and services to the community. She is a present...presently with the Ka'ehu...Executive Director of Ka'ehu. She has been very involved with the hula...in kumu hula, Cultural Resource Commission. Again, she comes with some...some very, very knowledgeable and again, passionate reasons for serving on this board; therefore, as Mayor Victorino's nomination to this board, we really would like her to invite her to say a few words. I know she's on the call. So, with that, I'll leave it to you, Mr. Molina...Chair Molina.

CHAIR MOLINA: Okay. Thank you, Mr. Mossman. Okay. Ms. Maluo-Pearson, if you're on the call, this is your opportunity to provide us some opening comments as to why you would like be considered. And right after your comments, the Chair will open up the floor for questions for you. We did have, again, our Committee Vice-Chair Rawlins-Fernandez ask for your presence. There...there you are. Aloha and good morning. So, again, please take about a minute or two to tell us why you would like to be considered. And after you are done, I will open up the floor first for questions for you from Committee Vice-Chair Rawlins-Fernandez. Go ahead.

MS. MALUO-PEARSON: Aloha kākou, esteemed Councilmembers. I want to express my appreciation to Mayor Victorino for nominating me for the...this commission. It would be my honor to serve on the Cultural Resource Commission, as I previously served on the same commission and was unable to fulfill my term due to a medical reason. So, I...I tried to stay on as long as I could, but the attendance got, you know, a little too much, so I sent a letter to the Mayor. And I...and I really want another opportunity to serve on the Cultural Resource Commission, and provide the experiences and knowledges...knowledge that I have of our beautiful culture here on Maui and Hawai'i. Thank you.

CHAIR MOLINA: Okay. Mahalo, Ms. Maluo-Pearson. And...and thank you for your passion, for your willingness to serve once again, and you know, bringing your prior experience to this commission. So, with that said, I'll go ahead and recognize our Committee Vice-Chair Rawlins-Fernandez for questions. Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Maluo-Pearson. Mahalo for your willingness to serve on the CRC --

MS. MALUO-PEARSON: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: -- again. So, I...I think you kind of already addressed my first two questions that I ask all the nominees, which is attendance. I appreciate hearing that when you found that you wouldn't be able to attend the meetings, that you resigned. That...very appreciative of you being responsible in that way. And so I guess

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

**June 28, 2022**

---

the follow up then is, I...I'm assuming now you foresee yourself being able to attend this time around.

MS. MALUO-PEARSON: Yes. And...and if I'm not able to attend in person, will they have the option for BlueJeans as well? I guess that would be my question.

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

CHAIR MOLINA: Yeah, maybe we'll ask Mr. Mossman --

VICE-CHAIR RAWLINS-FERNANDEZ: Go ahead, Mr. Mossman.

CHAIR MOLINA: -- go ahead and answer that.

MR. MOSSMAN: So, they do have...you can...you can get on from the virtual as well if you can't attend the meeting, and that's all on your agenda when we...you know, when we get through this process. Yes.

MS. MALUO-PEARSON: Okay. Then it will not be a problem to fulfill my calling in attendance. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Wonderful. Mahalo. Mahalo, Mr. Mossman. And then my second question is regarding your experience. So, you've served on the CRC before, so I'll just go straight to my third question, which is how do you foresee contributing to the CRC?

MS. MALUO-PEARSON: Well, I think it's no secret that I love Maui, and I have a passion for our culture, and you can tell because I get all crybaby whenever I talk about anything I'm passionate about. So...and I feel that we have a lot to be watchful of now. And I am looking forward to learning and providing what I've learned in my experience with the Cultural Resource Commission, and hopefully we can, you know, keep things moving forward in a...a right way, a pono way. . . .*(timer sounds)*. . .

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that response, Ms. Maluo-Pearson. And I hope you never shy away from that authenticity when passion brings you to tears.

MS. MALUO-PEARSON: I don't think I can.

VICE-CHAIR RAWLINS-FERNANDEZ: I hope you never do, so mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. All right. Well, thank you for your willingness to come back, and you know, hope, you know, everything health-wise is good for you. And certainly I think your prior experience will be an asset to this commission. All right. Seeing no other Member had requested your attendance, the Chair...okay, well, you know what, we'll recognize our West Maui representative. Member Paltin, go ahead.

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

**June 28, 2022**

---

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Maluo-Pearson. I know that you are familiar with this commission because of your previous service. I just was wondering if you could speak a little to your familiarity with the Lāhainā historic districts and events surrounding the banyan tree as they need to be consulted...the Cultural Resource Commission needs to be consulted on those areas. And...and basically about balancing culture and economic development in that area.

MS. MALUO-PEARSON: Thank you for that question. I am not 100 percent knowledgeable about Lāhainā. Growing up in Upcountry, Maui, that's where we resided, and besides my mom going to work in Lāhainā, that's as much time as I spend out there. I...I'm like a mountain flower that wilts when I get out there. But in my previous experience in the...on the commission and in my future experiences, I will always do my best to research and consult with those that I feel know Lāhainā, meaning they've...they're a kama'āina, they live out there, as well as listen to those that have business interests. I think we had several instances where Lāhainā and the banyan tree came up before, so I am familiar . . .*(timer sounds)*. . . with that.

COUNCILMEMBER PALTIN: Thank you, Ms. Maluo-Pearson. I think that's the best we can ask for any of our nominees. Thank you, Chair.

CHAIR MOLINA: Okay. Mahalo, Member Paltin. Okay. We have a quick question for you from Member Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you very much for putting your...yourself to be part of the CRC. And I just want to say that I approve, I vote 100 percent to support you, as well as the amazing family you come from. And I know that you live the life that will bring a lot of depth and resilience to our community. And...and thank you for your years of living this culture. So, 100 percent, I vote for you a lot, and I will today too. Thank you.

MS. MALUO-PEARSON: Mahalo.

COUNCILMEMBER SUGIMURA: Oh, I guess at the Council meeting, yeah, we're going to do a vote. Okay.

CHAIR MOLINA: No, no. As a matter of fact, I believe we have time today. Staff, you can confirm? I believe we can take action on Ms. Maluo-Pearson's nomination today; am I correct, Ms. Sunderland?

MS. SUNDERLAND: That is correct.

COUNCILMEMBER SUGIMURA: Okay. I vote.

CHAIR MOLINA: And it will be enough time to get the Committee report. Yeah, we could

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

**June 28, 2022**

---

actually --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: -- take a vote on it.

COUNCILMEMBER SUGIMURA: Okay. Great. Let's vote.

CHAIR MOLINA: Okay. I appreciate your excitement, Member Sugimura, but you got everybody else excited, now we have Member Kama who would like to ask Ms. Maluo-Pearson a question. Go ahead, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. And thank you so much for being here, Ms. Pearson. You know, sometimes, as Kānaka Maoli, we have some deep-rooted beliefs that sometimes is contrary to what western understanding or beliefs are. And so being on the commission, you're going to have to figure out how to bring that into balance. So, can you share with us what your process is when you're trying to bring that into perspective?

MS. MALUO-PEARSON: I get stuck in that situation a lot of times actually, and you know, I think the...the route that I take is to internalize each situation individually. Listen to both sides and really like not...consult my conscious and my kupuna and my aumakua, and...and I make my decision based on that quiet time that I take. And, you know, hopefully it's the right decision.

COUNCILMEMBER KAMA: I love that process because I use that same process too. Thank you so much for being your authentic self. Mahalo, Chair. And mahalo for being here again, Ms. Pearson.

MS. MALUO-PEARSON: Thank you.

CHAIR MOLINA: Okay. Mahalo, Member Kama. All right. Seeing no other requests for questions of Ms. Maluo-Pearson, then the Chair's going to make a recommendation, and that recommendation is to adopt Resolution 22-147 relating to the appointment of Miss...Ms. Patricia-Helen Kahulumealani Lindsey Maluo-Pearson to the Maui County Cultural Resources Commission for approval. And...

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

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

**June 28, 2022**

---

CHAIR MOLINA: Okay. All right.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Thank you. All right. Members, I'm sorry, let me make clarification, that is Resolution 22-148 [sic].

COUNCILMEMBER KAMA: Still move.

CHAIR MOLINA: And with...okay. All right. Thank you. Thank you. Friendly amendment. Yeah. And also I do have a slight...a minor amendment to propose on this as well. If...please correct me if I'm wrong, Ms. Sunderland. This proposal is to amend resolution by...this resolution by striking out the words of...striking out the word...no, you know what, my bad on that. Forget that amendment. Okay. I think we're good. Okay. As the maker of the motion, anyone would like to speak on the motion of Ms. Maluo-Pearson's nomination? Okay. Committee Vice-Chair Rawlins-Fernandez, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And real quick, to the motion, did you also include the filing? Oh, I guess there isn't a communication so there wouldn't be anything to file, just --

CHAIR MOLINA: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: -- adoption of the resolution, yeah?

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Just double checking. All right. And I speak in strong support of the motion on the floor for our highly-qualified nominee, who I expect will be a tremendous asset to the CRC, and so appreciative of her willingness to be so generous of her time and her 'ike. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. Any other discussion as it relates to the motion regarding GREAT item 2(48)? Member Kama, followed by Member Paltin.

COUNCILMEMBER KAMA: Thank you, Chair. I also stand in strong support of this nominee because I...I just love the way she thinks and how she processes her decision-making process. And I think that it's such a shining example of how we should be processing all of our decisions, that we think long, we think hard, and we call upon all of those resources, whether they're here with us or not, to be able to help us make those decisions that always...are always in the best interest of all of our people who are



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

**June 28, 2022**

---

here. So, Chair, I stand in strong support, and I will be voting yes on this motion. Thank you.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Ms. Kama took my lines. Nah, just joking. You know, the Cultural Resource Commission is really important for especially the historic districts, and the cultural seat on the Cultural Resource Commission is really important for the...for Lāhainā, especially historic districts, which we know at one time was the Kingdom capitol under Kamehameha III. And you know, we can't always have people that are very knowledgeable about the historic districts of Lāhainā, and in that absence, I really appreciate Ms. Maluo-Pearson's honesty and responsibility in, you know, if she cannot do it, letting us know that she resigned. And especially her...her commitment to do the research. You know, that's kind of a little bit getting more rare and rare in our era that we're living in. And in doing the research, sometimes you find out even more than people that live in an area every day. And so in the combination of doing the research and reaching out to both sides of the issue, I have full confidence that she will not only serve the Cultural Resource Commission well, and the County well, but also Lāhainā historic districts. So, thank you for your willingness to serve.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. And I'd just like to say a few words to Ms. Maluo-Pearson. I certainly appreciate your...sharing your thoughts with us. It's just so pure, so passionate, and so much so that the Chair even forgot who made the motion, who made the second. So, just for record's sake, you know, was that Vice-Chair Rawlins-Fernandez, you made the motion, am I correct? Oh, was it Member Kama, you made the motion? And who made the second?

COUNCILMEMBER KAMA: Yes, Chair, I did.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: All right. And the second was by Committee Vice-Chair Rawlins-Fernandez. Okay. You know, Ms. Maluo-Pearson, this has never happened to the Chair. So, your comments were so compelling and so pure and honest, so...all right. If there's no other discussion, Chair's going to call for the vote. All those in favor of the nomination of Ms. Maluo-Pearson to the Maui County Cultural Resources Commission, signify by raising your hand and saying "aye."

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Any "noes?" Okay. Thank you. The Chair will mark it nine "ayes," zero "noes." This matter will go to the full Council for a final vote in the near future.

**Council of the County of Maui**

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

**EXC.: None.**

**ACTION: ADOPTION OF RESOLUTION 22-147 TO APPROVE PATRICIA-HELEN KAHULUMEALANI LINDSEY MALUO-PEARSON TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION.**

CHAIR MOLINA: All right. Members, we are just doing really fine today, we are just moving right along.

MR. MOSSMAN: Thank you, Chair Molina. I know you had Mr. Rickord on as...on the public testimony portion of this. But Mr. Rickord is a Kahakuloa resident. Again, he had

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

**June 28, 2022**

---

reached out and kind of said a few things with his passion of...of serving the...the community. And with that, you know, he is a nominee of Mayor Victorino, and we'd really like to welcome him onboard to this board. And so I don't know if...you know, I know he's still on the call and...for any questions. I leave that to you, Chair Mike.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. So, as Mr. Mossman mentioned, yes, we had Mr. Rickord on earlier to share his thoughts as to why he would like to be on this commission. So, we did have Vice-Chair Rawlins-Fernandez who did ask for his appearance here today. So, Mr. Rickord, just to confirm, are you still on the call?

MR. RICKORD: Yes, I am.

CHAIR MOLINA: Okay. Very good. I'm going to ask Committee Vice-Chair Rawlins-Fernandez to ask you questions with regards to your nomination. Committee Vice-Chair, proceed.

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

MR. RICKORD: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: -- for your willingness to put your name forward for the BVA. So, my first question is regarding your attendance. Do you foresee any concerns with attending...I think this is also a monthly meeting. Mr. Mossman, is that correct?

MR. RICKORD: I think it's twice a month.

MR. MOSSMAN: Vice-Chair, on this one here, it's twice a month.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, twice a month, Mr. Rickord?

MR. RICKORD: Yes, yes. I...I have no problem doing that.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And then my second question is regarding your experience with the BVA. Have you ever attended any of the meetings, or watched any of the recordings, or reviewed the meeting minutes to understand the role that it has?

MR. RICKORD: Yeah. I...I went back in and I looked at some of the past meetings and kind of refreshed my brain about what's...you know, what needs to be done or what...what we...what my job would be, I guess. And yeah, so I...I mean we looked...I...I looked at like the...the Brown case over in Nāpili. That...I think that was a couple months ago, I believe it was, and some setbacks in...in Kihei, and different things like that. Yes, I've kind of...I took the initiative to refresh my brain and get back into where I need to be to try to help the community, I guess. I'm sorry, I really hate talking on the phone, as you can tell. I'm not a phone person.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. You're doing a great job, mahalo. And then my

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

**June 28, 2022**

---

third question is regarding your contribution to the BVA. How do you envision yourself with your background and experience contributing to the BVA? . . .*(timer sounds)*. . .

MR. RICKORD: Well, I've been...I've been a contractor over here for around 30 years, and I like to look at stuff not when it's new, but what is it like in 20...10, 20, 30 years, so I try to look for the future. What...how it will impact stuff. What do...what'd be good for my client, and that's kind of the way I kind of look at everything, not just for my benefit, I try to look at for the people's benefits. And I think I can...I'm pretty stern on...on that because I've always said if...if...you know, I'd rather have to move away from Maui than to...than destroy Maui because Maui...Maui was the last island I ever came to in Hawai'i even though I've been here since the '80s. I just fell in love with it, and I just I hate to see...see anything bad happen to it.

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

CHAIR MOLINA: Okay.

MR. RICKORD: You're welcome.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. All right. Anyone else with a question for Mr. Rickord? Member King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Rickord. Thank you for being here --

MR. RICKORD: Aloha.

COUNCILMEMBER KING: -- and for your statement about the community, that's really important. You...because you're in the construction industry, do you anticipate having any conflict of interest with your own company, or folks you may be closely associated with in other companies coming before you?

MR. RICKORD: No, I don't. Because integrity is the most important thing to me. If I have no integrity, I have nothing. So, if I feel that there would be a conflict of interest, I would refuse to vote on it, or I'd just stay out of the situation. Because that's definitely...

COUNCILMEMBER KING: That is an awesome answer. Thank you for that answer, appreciate it.

MR. RICKORD: You're welcome.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member King. We have a question for you from Member Kama. Go ahead.

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

**June 28, 2022**

---

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Mr. Rickord, but most of all --

MR. RICKORD: Thank you.

COUNCILMEMBER KAMA: -- thank you for your service to our country. I do appreciate that.

MR. RICKORD: Mahalo.

COUNCILMEMBER KAMA: You know, the media has a lot of influence sometimes over what people think and hear and believe. And so I was wondering, what is...what is that that influences you the most --

MR. RICKORD: My children.

COUNCILMEMBER KAMA: -- when you make your...okay.

MR. RICKORD: My children and the kids I teach in mixed martial arts. Those are what inspires me to make the world better. I mean, me serving in the Marine Corps, I had no problem giving my life if that's what I meant to keep my family safe. And I feel to make the right judgments, to be a statesman, that's what we need to do to help our community. It's very important to me, probably the most important thing in the world.

COUNCILMEMBER KAMA: Thank you for that response. That is such a...a tender-hearted and loving response, and that was something I would expect from someone in the U.S. military. But thank you very much. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. Mr. Rickord, I get...have just a quick question for you, and this has to do with the purpose of the BVA, and I'm just reading right off what's on the County website. Variances provide relief from the strict application of any zoning, subdivision, or building variances. Appeals provide relief from alleged error by any department charged with the enforcement of zoning, subdivision, or building ordinances. How will you, as a member, are you fine with maybe disagreeing with a recommendation from a particular department on a proposed variance or appeal? You...your...basically you sound like someone who will, I guess, make the best decision in...in your heart, rather than not only just going with a recommendation from a department. Can you share your thoughts? And by the way, thank you for your service as well. Go ahead.

MR. RICKORD: Oh, you're welcome. Mahalo. Yeah, you know, I'll just tell you a little experience I had recently was I had put in an application to build an ohana or a farm dwelling on my property, and I put it in...I believe it was 2019. And I've been trying to get my...you know, my agriculture up to date so I'd have...you know, because I used to have horses there, both my horses passed away. So, I had to put in fruit trees, so I've got like 80 banana trees and lychee and all this stuff. I mean, it took a while to get it

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

**June 28, 2022**

---

because I kept getting hit by pigs, and you put in a fence, you think it's going to work, and all of a sudden you get hit again, so you're...I'm trying to figure it all out. And the other day I went down and I...which I've been trying to communicate with the Building Department. And I went down there, and they said well, no, your...we threw all your stuff out. I'm like what? They said yeah, we threw it out, you haven't talked to us since 2019, and I'm like, well, that's not true. So, those are the things I'd like to change. I mean they said they sent me one email in June 19...I mean in June in 2019. I'm like I've been in contact with you guys since then. So, you know, those are the type of frustrations, not just what I have, but a lot of...because, you know, actually I met a lot of people because...I do remodeling, so I meet people who've been here for a long time, lived their entire life here, and those are the type of frustrations I would like to see go away. Because there should be...I mean I believe on my application there was a phone number, and all they got to do is pick up the phone and call. I mean not just an email because an email can go to spam. You know, so I have no problem with sticking my nose in with the department that I don't think is doing their job.

CHAIR MOLINA: Okay. Thank you for that response.

MR. RICKORD: So, I hope I (*audio interference*) You're welcome.

CHAIR MOLINA: Okay. All right. Members, seeing no other requests for questions of the nominee. I want to thank you, Mr. Rickord, for making yourself available to share your thoughts as to why you would like to serve, and for responding to the questions.

MR. RICKORD: Thank you.

CHAIR MOLINA: Okay. Members, now with that said, the Chair's going to offer a recommendation, and the recommendation is to approve the nomination of Mr. Rickord to the Board of Variances and Appeals.

COUNCILMEMBER SUGIMURA: So --

CHAIR MOLINA: Chair will entertain a motion.

COUNCILMEMBER SUGIMURA: -- so move.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: So move.

CHAIR MOLINA: Motion made --

COUNCILMEMBER KING: Second.

COUNCILMEMBER KAMA: Second.

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

**June 28, 2022**

---

CHAIR MOLINA: -- by Member...Member Sugimura and seconded by Member Kama. Member Sugimura, as the movant, any discussion?

COUNCILMEMBER SUGIMURA: I think he explained his passion for why he put his name up for this Board of Variance and Appeals, but his...his communication that he just gave to us, I would like to look further into it, and I'm going to call him after and...and talk to him to see how we can help him. Thank you.

CHAIR MOLINA: Okay. Thank you --

MR. RICKORD: Thank you.

CHAIR MOLINA: -- very much, Member Sugimura. Members, any other comments as it relates to the motion on the floor? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I...I actually wanted to follow up with a question to Mr. Rickord. Because I...I don't know if other Members watch the BVA meetings. I've...I've watched several and I've heard...I've received feedback. So, his...Mr. Rickord's response to your question, Member Molina, was concerning to me because the BVA membership consists a lot of those residents who are disgruntled with the Planning Department, over the Council, and...and you can...you often see the hostility in the meetings. And so in response to your question, Chair, that's kind of what I heard. And you know, we...we...we shouldn't be...be necessarily putting people on the BVA that have a bone to pick with the Planning Department, to undermine our...our departments and even our Council's decision. So, I...I would like to give Mr. Rickord an opportunity to respond to some of the comments that I just made. If...if you would permit, Chair?

CHAIR MOLINA: Yeah, good...sure. Okay. Mr. Rickord, go ahead.

MR. RICKORD: Yeah, it's not...I mean...I mean when...any time when someone goes I mean anywhere and...and, you know, they...they're kind of like in shock because of something happened. That's what I was trying to bring up. But more or less it's trying to improve it, it's not to go fight with the...the Building Department. Because I know people there, I've done work for people. I've...I've done work for the super...I mean the head supervisor of the Building Department. I know all those guys. But it's...it's improving situations where it helps the homeowners, such as myself. You know, I'm not...to...to get online and try to do stuff, that's not my forte. You know, I...I...I'm...I'm not very good at it. But...so I think we need to try to look out for those people too, that they're trying to get building permits or whatever it might be. I think we need to look at the whole picture instead of trying to update everything and make everything so fast that we forget about the people who...who's 60, 70, 80 years old here, and they can't do nothing, but we leave them behind. That's who a lot of my friends are, and that's who I try to protect. Just you know, bring it to your guys' attention because I think a lot of times people may

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

**June 28, 2022**

---

forget about that. They think oh, everybody can get online and do this or do that, or get on an app. You know, everybody can't do that, and I think that's what a lot of people forget. So, yeah, that's what...basically what I was trying to say, was just improve communication with homeowners and different departments. That was my main concern there.

COUNCILMEMBER KAMA: Very good. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Mr. Rickord, for...for that response. That was very compelling. I look forward --

MR. RICKORD: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: -- to seeing your performance, and...and would like to work with you on improving those communications, especially with our elder community. So, mahalo. Mahalo again, Chair.

MR. RICKORD: Thank you.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. Okay. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I so do appreciate Member Rawlins-Fernandez's questions, it's so appropriate, and I so do appreciate that. But I am so very much in support of Mr. Rickord's appointment because when I think about his responses to our questions, I think about that is a man of integrity, that is...and even in his responses to us that when we all decided to run for public office, we all, I think, had the same thought, that there was maybe a bone we had to pick, but at the same time we wanted to make improvements, we wanted to make change, and that's why we're all here. So, I'm very grateful for Mr. Rickord, and I'm very grateful to Keani Rawlins-Fernandez and her way of asking things and bringing out the best in people and their responses. So, thank you so very much, Chair.

CHAIR MOLINA: Okay. Thank you, Member Kama. Any other discussion as it relates to the motion on the floor? Seeing none. Then the Chair will call for a vote. All those in favor of the nomination of Mr. Edward Rickord to the Board of Variances and Appeals, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All right. Any "noes?" Okay. Seeing none. Then the Chair will mark it nine "ayes," zero "noes." This matter will go to the full Council for a final vote.



# Council of the County of Maui

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

**EXC.: None.**

**ACTION: ADOPTION OF RESOLUTION 22-148 TO APPROVE EDWARD JAMES RICKORD TO THE BOARD OF VARIANCES AND APPEALS.**

CHAIR MOLINA: All right. I might even extend that now that you're showing your appreciation. All right. Okay. Members, 10:30, okay? The GREAT Committee meeting for June 28, 2022, stands in recess until 10:30 a.m. Meeting in recess. . . .(gavel). . .

**RECONVENE: 10:35 a.m.**

- 33 -

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

**June 28, 2022**

---

**GREAT-58 RESOLUTION 22-158, RELATING TO AUTHORIZING PROCEEDINGS IN  
EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY LOCATED  
AT 5385 LOWER HONOAPIILANI ROAD (NAPILI)**

CHAIR MOLINA: We are on our last item for today, which is GREAT item 58. Resolution 22-158, which relates to authorizing proceedings in eminent domain for the acquisition of real property located at 5385 Lower Honoapiilani Road in Lāhainā, Maui, Hawai'i. And Members, before we delve into the discussion with regards to this resolution introduced by my colleague from West Maui, Tamara Paltin, let's keep our...any questions and the discussion confined strictly to the eminent domain process, right, and not delve into questions to...for example, for Resolution 22-159 which relates to other matters to this structure. So, let's again, keep it confined as much as possible to the item today so we don't get into any potential trouble with the Sunshine Law police. So, with that said, Chair would like to recognize Member Paltin to give opening comments on this proposal. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair, for your rapid agendization [sic] of this item. I'd like to thank the community for their diligence and participation in this process. And you know, we're just considering all of the options to do...try and meet the community...community's requests. We have discussed this property in several meetings, so I know the Committee is aware of the situation. And as you mentioned, the resolution on whether to pursue an investigation is in the CARE Committee, and I look forward to working all of you on that when that item is being heard. For today, you know, what...what are we going to do with the property? And so eminent domain is one option that we could use to put it into a community center for cultural education. And I just wanted to be clear that only the Administration has the power to file a lawsuit for eminent domain. If we pass this resolution at Committee and Council, we're just taking the first step, which is to authorize the Mayor and Corporation Counsel to proceed. I'm not sure in response to testifiers if we can do that through independent counsel or not. That might be something we can get advice on. If we pass the resolution, the Administration can decline or move forward. If they move forward, the Administration can get an appraisal and begin negotiations and file the lawsuit if needed. The County has this power, and the legal requirements are that we can purchase the property for fair market value and use it for a public purpose. Because we don't know what the property is worth, passing the resolution would authorize the Administration to get an appraisal of the property. Depending on the appraisal value, the Administration can proceed or decline to pursue the purchase. Fair market value would ultimately be decided by the court unless the parties could negotiate a price. Typical uses that satisfy a public use or purpose include use as a community center or other public building that serve a public good or need. Using this property as a community center for cultural education is clearly a public purpose. To support this, we can look to the Maui County General Plan that directs officials to perpetuate the Hawaiian culture as a vital force in the lives of residents, and to have established centers and programs of excellence for the perpetuation of Hawaiian arts and culture. Pursuing this option does not affect

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

**June 28, 2022**

---

other discussions or limit the County's legal options. With or without this resolution, the Administration could still seek to purchase the property in the regular way by negotiation if the owner agreed to sell it; however, approving this resolution gives the Administration another tool to use that might help bring the property owner to the bargaining table so a mutual agreement can be reached. In the end, this is really just a policy decision for us to make. Do we want to authorize the Administration to purchase this property through eminent domain so it can be used for a public purpose, like using it for a community center for cultural education? Do we want to negotiate a purchase? Do we want to not negotiate a purchase and, you know, pursue other options? It's just one option. And that's about it.

CHAIR MOLINA: Okay. Thank you very much for your opening comments on this resolution, Member Paltin. Members, before I open up the floor for questions, I'd like to seek comments from Corporation Counsel, as well as our own OCS Staff. So, I guess, will this be either Ms. Thomson or Mr. Whittaker, if you would like to provide some thoughts on this. Mr. Whittaker?

MR. WHITTAKER: Thank you, Chair. We have no...no comments on this draft. We spoke with OCS and reviewed the draft. It looks fine to us. We just want you to be specific about the public purpose. The two things that will be litigated, should this go to litigation, are going to be the public purpose and the price. So, if we wanted to get into details about what that might look like, we'd have to go into executive session, but it's probably not necessary at this time. But we're here to answer any questions. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. OCS, I guess maybe Mr. Forrest or Mr. Raatz, any comments?

MR. FORREST: Hi. Thank you --

CHAIR MOLINA: Mr. Forrest?

MR. FORREST: -- Chair. Yes, can you hear me?

CHAIR MOLINA: Loud and clear.

MR. FORREST: All right. First, I think Member Paltin did a good job explaining the process. The legal side of it is pretty routine. Eminent domain is a tool used by government entities all the time. Clearly, using a property for, you know, government purposes like a community center would be a public use. And I think it's...it's...simply stated, as Councilmember Paltin said, this is a policy decision. If you guys want to move forward with this, this would be the first step, and this only authorizes the Corporation Counsel and the Mayor to proceed. There's nothing final about today's action. You're giving the Mayor an additional tool to use if the Administration wants to proceed with the purchase or negotiation for the purchase of this property.

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

**June 28, 2022**

---

CHAIR MOLINA: Okay. Thank you very much, Mr. Forrest. All right. The floor is now open. Any questions for either Member Paltin, Corporation Counsel, or OCS? Chair Lee, followed by Member Sugimura.

COUNCILMEMBER LEE: Are we only taking questions for them or just comments as well?

CHAIR MOLINA: You have any questions for Member Paltin or any...I guess if we have a motion on the floor we can expand on that discussion, but go ahead, Chair Lee, if you have something you would like to say.

COUNCILMEMBER LEE: Okay. Thank you. Oh, this could be a question for Member Paltin. My concern is if the community has had ample opportunities to provide input into this proposal. In the neighborhood, I'm talking about the neighborhood and in...in that general region because community centers are great...you know, are great for the community except when they have events that generate a lot of traffic. That's one. And...because we always get complaints about the Velma McWayne Center, there's, you know, a lot of residents is right close by. And then another time, complaints are generated when events have music and the music is too loud. So, that's the reason why I'm hoping that the neighbor...the neighbors, the immediate neighbors, will have an opportunity to give their input so that they...we can come up with conditions, you know, that...that are respectful of...of the neighbors and are reasonable as well. Other than that, I have no objections to purchasing this property for the community. Thank you.

CHAIR MOLINA: Okay. Thank you. Member Paltin, would you like to respond to Chair Lee's questions?

COUNCILMEMBER PALTIN: Thank you, Chair. That is a very good point. I think, you know, there's probably maybe on the site not that much parking, probably under ten stalls. The area often has a lot of parking on the side of the road during the daytime as the overflow for parking from Nāpili Bay. Once you get to about 9:00-10:00, all the tourists park along the side of the road. We did receive, I think, 21 eComment. Some of it is from the neighbors at 120 Hui F Road. So, you know, in terms of a cultural center . . . *(timer sounds)* . . . I do know that my...you know, my daughter used to take hula from...at the Door of Faith Church in Kahana. They have about roughly similar amount of parking, a smaller building. I mean the church...it's a church, and they have not that much parking also. It's just the way the area is, but that's a very good point. Maybe if there is a majority of Members that want to move this forward, there should be further outreach as to, you know, it is pretty close; although, there is a rock wall between this property and the property makai of it. But yes, good point. Point well taken.

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. I'll just add into the conversation is whether it be this Administration or the next Administration, should the process of eminent domain go forward, that all will learn about the importance of communicating

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

**June 28, 2022**

---

with the community as to whatever plans are going to be undertaken in the future, and about being transparent as to how the process came to be. Because what happened was, you know, a problem occurred and a lack of communication, and this matter was put into the hands of this Council to come up with a recommendation. So, anyway, just my thoughts. I believe Member Sugimura had a question, and then followed by Member King and Member Kama. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Chair Lee kind of expressed what I was thinking about this because if we're thinking of going into eminent domain, I might have a question for Corp. Counsel just what that process is. But tied to that, if we're thinking that we're going to purchase this for market rate, and the use would be determined by the community, if they already hate the building, right, and then we're trying to say okay, we want you to use it for...what is the public good? And how do we force this community, who hates the building, to then use this building for something that...that is public good? So, I don't know how...maybe Member Paltin has thoughts on that, but we certainly have had very strong feelings from the community. They...they even formed their own group to legally, I guess, it sounds like there's a bunch of, you know, minds have been put together to fight this. So, I'm not sure what is going to end up to be, but Member Paltin, do you have a thought on that? And then also, could I ask the Corp. Counsel what --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: -- does eminent domain look like?

CHAIR MOLINA: Yeah. After we hear from Member Paltin, Chair will recognize Corporation Counsel --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: -- to add --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: -- add their thoughts. Member Paltin, your response to Member Sugimura?

COUNCILMEMBER PALTIN: Thank you, Chair. I mean ideally, if we were to get whatever we wanted, I don't think the two swimming pools would be completed. I don't think...I mean, like I said, ideally it would comply with the existing laws as we passed, I believe, last year about 30 feet, so that would entail like, you know, possibly hiring someone to bring it down to 30 feet. And I think that would make the community happier because the main ...*(timer sounds)*... heard from the community was they did not want short-term rental, and they wanted it lowered. And...and we had in response to this outcry, I know some people said we didn't do anything, but we did change the law so that the height limit in Nāpili Bay Civic Improvement District is now 30 feet. So, that's

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

**June 28, 2022**

---

the main complaint that I heard. No short-term rental, and bring it down to, you know, 30 feet. So, that...that would I think hopefully answer the complaints.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Before I recognize Corporation Counsel, Member Sugimura, a response to Member Paltin's response to your question?

COUNCILMEMBER SUGIMURA: Yeah, so I...I did...that was another part of why I asked the question is, why don't we just require them to bring it down to whatever the Code is because everybody is upset about that. And if they are then required to bring it to the 30 feet and be in compliance with all these complaints, I mean would they still want this building in their community? It doesn't sound like it. But that seems to be my impression, and I could be totally wrong, and you know, Member Paltin --

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: -- is living with it. But I do want to hear from Corp. Counsel at the appropriate time. I've gone over --

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: -- my time limit, I know.

CHAIR MOLINA: Okay. All right. And just to add, again, the fate of this building will be decided at a later conversation. Today, the eminent domain process is what's being considered. You know, it's about just acquiring the property first, and then at a later point this Administration or a future Administration can decide in terms of maybe networking with the community to see what they want to do with this structure. Obliterate it, or keep it up, or adjust it and so forth, but that's for a later conversation. So, with that said, Corporation Counsel, a response to...Member Sugimura, would you like to repeat your question to Corporation Counsel, and I'll have Mr. Whittaker respond?

COUNCILMEMBER SUGIMURA: Yeah, thank you. I would just like to understand what the eminent domain process is, and how it would impact this decision.

CHAIR MOLINA: Okay. Mr. Whittaker?

MR. WHITTAKER: Thank you, Chair. So, if this resolution passes, and the Administration would like to move forward, the next step would be for the Administration to obtain a title report and an appraisal for the price of the property. At that point, we'd want to come back to you to take action once you know the price to do a budget amendment, and perhaps another eminent domain resolution to finalize the process. At that point, it may go to a condemnation proceeding. And if we can agree on the price with the owner of the property, then we don't have to fight about that in court. But should we not come to an agreement, then the court...a court may set the price, and then we'd be

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

**June 28, 2022**

---

required to pay whatever price the...the court sets.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. I know you have another question, Ms. Sugimura, but I know Member Kama and Member King have been waiting, so we can come back to you. So, before I recognize Member Kama, so, Mr. Whittaker, just following up on that question from Member Sugimura. Potentially what kind of time are we looking at, timetable for this whole process to have it come back to the Council? What, potentially could be up to six months, a year, what...could you add some speculation to my question?

MR. WHITTAKER: Sure. It's hard to say, Chair. It could take...it's definitely going to take at least months, it could take much longer, just depending on what litigation is involved. The property owner could put a lot of legal barriers and...and, you know, appeal decisions, et cetera, so it's difficult to say how long the total process is going to take, but we'd come back to you as soon as an appraisal and title report would be done for the next step.

CHAIR MOLINA: Okay. Thank you, Mr. Whittaker. Member Kama, questions for our resource personnel or Member Paltin?

COUNCILMEMBER KAMA: Yes, thank you, Chair, but I'm not sure who this question should be directed to. But I just wanted to know, are there...is there a declaration of covenant and codes and restrictions in that area? So, I think I wanted to know who is the governing association, if there is one, for that particular subdivision or community?

CHAIR MOLINA: Okay. Anyone would like to take a shot at Member Kama's questions? We'll start...Member Paltin, I guess as the area rep, any...any thoughts as to, I guess, Member Kama's questions, a governing association out there?

COUNCILMEMBER PALTIN: Not...not to my knowledge. It's...the zoning is Nāpili Bay Civic Improvement District. And to answer Member Sugimura's question about the...the height, about bringing it down, we did...we don't pass laws retroactively, so at the time when we passed the 30-foot-height limit into the Code, it was only...the only thing was two stories, so they interpreted it how they would. So, just...that's the governing zoning of the area, and that's all that I'm aware of. I don't know of any homeowners' association because it's not part of...like next door is like a condo complex--I mean across the street is a condo complex, but this is just a property in a obscure zoning, I guess. Not a lot of people know about Nāpili Bay Civic Improvement District, even within the Planning Department apparently.

CHAIR MOLINA: Okay. Member Kama, does that answer your question?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Ms. Paltin.

CHAIR MOLINA: Okay. Thank you, Member Kama. All right. Other questions as it relates to

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

**June 28, 2022**

---

the eminent domain consideration? Member King?

COUNCILMEMBER KING: Thank you, Chair. I...I just wanted to find out because...and you talked about it, Chair, flexibility of the use of the building. That if we pass this resolution, which I'm in favor of--and I see it as a first step, I think there are further decisions. But if we pass this resolution, does that limit the use to what was...that was in the resolution, or if the community decides they'd rather have, you know, just to throw something out there, you know, homeless services or something like, is there that flexibility?

CHAIR MOLINA: I see Mr. Forrest has come online. Mr. Forrest, would you like to respond to Member King's question?

MR. FORREST: Hi. Thank you, Chair. I did draft the resolution with flexibility. If you look at the first...or the end of the first whereas clause, you'll see that it says "or other purpose." So --

COUNCILMEMBER KING: Okay.

MR. FORREST: -- that...that would allow that to...to basically cover anything that's a public purpose. And if...if...if at a later time someone did want to come back with a more specific resolution, we could also authorize another resolution at that time. But as drafted, it's very flexible.

COUNCILMEMBER KING: Okay. That's great. And...and I don't have any designs on making a homeless, you know, facility, I just kind of threw that out there. But the other...the other question I had for...was for Member Paltin on the parking issue. Because you know, we had that...that rezone we did in...in South Maui with the...the Jewish Congregation Church, and that's kind of the same situation, they...they have very limited parking, but we talked about shuttle parking, like there's parking within several blocks and they...is there...is there someplace like that nearby where if we did make this a public facility, there could be a place for people to park and shuttle over?

CHAIR MOLINA: Member Paltin?

COUNCILMEMBER KING: Oh, you're...you're muted.

CHAIR MOLINA: Member Paltin, could you unmute?

COUNCILMEMBER PALTIN: Oh, sure. Sorry. The closest . . . *(timer sounds)*. . . County-owned parking that I can think of is probably Nāpili Park. There is privately-owned parking around like, you know, Nāpili Market or the Tennis Garden's parking. The hotels obviously have parking, but I don't think they would use it. And like that. But the...the closest County one that I...I can think of is probably Nāpili Park, which is coming on...like this is on the lower road, and Nāpili Park entrance is on the...off the highway.



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

**June 28, 2022**

---

COUNCILMEMBER KING: Okay. I just kind of wanted to throw that out there as a possibility if that...if parking becomes an issue and we turn it into a public facility because I think we have several areas in South Maui where we're going to have to look at that as well, so...

COUNCILMEMBER PALTIN: Oh, the new...the...the 50 acre...50 acres that was part of the West Maui Community Plan update is just raw land at this point.

COUNCILMEMBER KING: Okay. A possibility anyways, if that becomes an issue. Mr. Whittaker, I don't know if he had something to say, I saw him pop up.

CHAIR MOLINA: Mr. Whittaker, go ahead.

MR. WHITTAKER: Thank you, Chair. And...and thank you, Member King. So, I just wanted to follow up on the question that was asked earlier. It is important that the Council identify the public purpose that the building would...or the property will be used for in the resolution because there's State law and Federal constitutional limits to the power of eminent domain. And in order for a court to make a determination that it is a public purpose, we need to say what that public purpose is. Just wanted to add that.

COUNCILMEMBER KING: Okay. But do we need to do it in this resolution, or you said we would probably have to follow up with another resolution. So, do we need to do it now, or can we follow up with the second resolution if the Mayor or whoever the Mayor is at the time decides to, you know, go eminent domain?

MR. WHITTAKER: You can follow up with a separate resolution once we know the price and add more specificity there.

COUNCILMEMBER KING: Okay. Thank you. Thanks for adding that, Keola, I appreciate it.

CHAIR MOLINA: Okay. Thank you very much, Member King. Members, any questions? Any Members who have not had an opportunity to ask questions about this matter, the floor is open. I see Member Johnson, go ahead.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, I...you know, this...the process of eminent domain is what we're...what we're discussing, and I...I'll start off, I support the...the resolution. Would...would the County be receiving the property as it's...when it's finished, or as it is standing like right now? I'm curious about how...what would we be getting at the...at the very end?

CHAIR MOLINA: Maybe let me direct your question to...let's start first, I guess, with Mr. Whittaker, and maybe follow up with Mr. Forrest if he has any comments or response to your question, Mr. Johnson. Mr. Whittaker?

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

**June 28, 2022**

---

MR. WHITTAKER: Let me see if I understand the question correctly. You're asking if we do condemn the property whether we would get the property as is right now? Is that the question?

COUNCILMEMBER JOHNSON: Yes, exactly.

MR. WHITTAKER: Yes, that's...that's correct, Member Johnson, you'd be getting it as is wherever it is in the construction process at the start of the condemnation proceedings. And then the price of the property would be based on its best use, so that's looking at, you know, not just the land price, but the building and what it's zoned for.

COUNCILMEMBER JOHNSON: So, if we get the...the building half constructed, obviously it's going to be cheaper...or is it not that so because we're using best use?

MR. WHITTAKER: I don't want to...I don't want to say whether it would be cheaper or not, but its best use...you know, basically, you know, what...what an appraisal...we'd have to look at the appraisal to see exactly what the price is. I don't want to guess.

COUNCILMEMBER JOHNSON: Okay. So, what I'm...what I'm trying to find out is...so let's eminent domain goes through, we get a building half constructed, we're going to have to spend money to deconstruct it or spend more money to finish the job that we didn't start. That's the part that I'm trying to get clarity on. Because if we're just going to receive the property and then go from there, then I wondered if the . . . *(timer sounds)*. . . price is going to change...if the price would change from adding...pouring more money into finish the product, or pouring more money to deconstruct it.

MR. WHITTAKER: I don't know if that's a question, but yes, that's another consideration that...that you should make is, you know, money that you'd spend after acquiring the property. You wouldn't...for the eminent domain proceeding itself, you wouldn't have to spend additional money, but there may be additional construction costs post-condemnation.

COUNCILMEMBER JOHNSON: And so the only...I mean I...I...this is...you know, I'm a freshman on this Council, so this is my first experience, but I read back in the...in the...the old story of the Montana Beach where that same issue came up, where...what are we going to do with this building that we condemned, and it sat there dilapidated for many years until we ended up putting money into tear it down. So, that's the only concern I have, and my time is up. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Johnson. And you know, this resolution does not have the force and effect of law, but it is an option for the Administration to consider. It's letting on the...I guess assuming the Council moves this resolution out, it's letting the Administration know, here's a tool you can use. Now, certainly they can...instead of using this tool they could use another tool, just to...maybe just purchase the property on their own, negotiating with the property owner. And in terms of the construction,

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

**June 28, 2022**

---

I...I...I don't know where they are at as far as completion. They can...now that this is out here in the public as a consideration, the property owner may just stop construction, or they could still continue to move forward until, you know, when and if any negotiations do come to a proposed settlement or an agreement on...both between the County and the property owner. So, there's still some unknowns out there. But anyway, let me ask if there's any other questions from other Members before we go back to Member Sugimura. I believe you had a question. Okay. Seeing none. Other...no other questions from other Members at this time. Let me go back to Member Sugimura, you had a question?

COUNCILMEMBER SUGIMURA: I was concerned about the price because we're talking about market, so maybe this is...I don't know if Corp. Counsel would know, what does that mean? Because we have a house that is almost finished, or in...in the process of being built. Maybe it ties in a little bit of what Gabe Johnson was talking about, but what...what does that mean in terms of market cost?

CHAIR MOLINA: Mr. Whittaker?

MR. WHITTAKER: Because this may go to litigation I don't want to guess as to what the price would be, but there are public sources you can look at that will help you get a sense of the range. You could look at the sales price, what it was purchased for. I think it was recently put on the market. You know, what similar properties are selling for. That will give you kind of a range of what we're looking at. But until we get an appraisal, I don't want to speak specifically about what it might cost.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Members, any other questions for our resource personnel? Otherwise, the Chair will make a recommendation. Okay. So, I see no other questions. Then the Chair's recommendation is to adopt the Resolution 22-158, which is to include any nonsubstantive revisions. Chair will entertain a motion. Okay. Moved by Chair Lee, seconded by Member King. Discussion on the floor. Chair Lee, as the movant, I'll give you the first opportunity.

COUNCILMEMBER LEE: Thank you, Mr. Chair. I...I think everybody covered most of the salient points. This has been a huge mistake, and blame is...you know, can be spread around very widely, probably even the Council, everybody. So, now is the time to look for a reasonable solution, and the solution seems to be, once and for all, to have the County control this property so that we don't have any more issues with misinterpretations and people taking advantage of...of laws that are not strict enough. So, and the...the public should be able to use it, but of course we need to pay for...at a reasonable price, and that will be determined by the appraisal, so it'll be impartial. And...and I think the community has to let us know exactly how they feel this...this property should be used, what types of public purposes, what types of restrictions that they would like us to consider. But all in all, I think this is a good idea. And I...I think

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

**June 28, 2022**

---

Member Paltin is...is really doing a very good job representing her community with this proposal. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Okay. We have Mr. Sinenci would like to speak to the motion. Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And yeah, mahalo to Member Paltin for bringing this forward. And I do understand that this resolution is just the first step in a long list, that it's just giving the Administration, should they decide to pursue this, and to begin the appraisal process. And so I speak in support of the motion.

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

COUNCILMEMBER KING: Thank you, Chair. I support the proposal. Like was said before, it's just a first step, but the Mayor could actually go ahead with this negotiation without this proposal, and this is giving him the tool of eminent domain in the event that the...the landowner doesn't want to negotiate. So, I think that...I was glad that Mr. Whittaker specified that we would need another resolution if it is going into eminent domain, so then that would be an opportunity to work with the community and figure out exactly what kind of facility they would like. So, thank you, Member Paltin, for bringing this forward. And for all the reasons that Chair Lee said, I think this is a good first step. Thank you.

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

COUNCILMEMBER SUGIMURA: This is a hard one, right? I think we heard from the community loud and clear, they hate this project, right? And they have been telling us for months, how many meetings have you heard this, Chair Molina? Five times. And every time this word comes up, or this project comes up, there's such hatred in the community. So, I do not understand how we can say purchase this by eminent domain and figure out a public good unless if we tear down the building or do something like that to get rid of it. I mean, I...I...I wish we could hear from other members of the community that maybe have not come forward, maybe have a community meeting so that we can take it to Member Paltin's community. Maybe...maybe everybody else feels the same way, and not only the Sam Smalls and...you know, and those that have expressed over and over, you know, their...their hatred for this project and hatred for the Greg Brown, you know, efforts that he's done. And so I'm a little bit reluctant to just say go ahead and do it without really hearing, or maybe taking it to the community. Maybe everybody feels like that, I don't know, and maybe Member Paltin can answer that. Or is it this small group that has been, you know, expressing for...in their behalf? And do we want to tear the building down, is that what will make everybody happier, or just bring into compliance for today, not when the...the...I know the law was different. So, I'm...I'm...I'm not sure if I'm ready to just take this step now, but I think we need another step, which is what Chair Lee said and others have said. We need to hear from

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

**June 28, 2022**

---

the community, you know, in...in deeper depth, I think. So, thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Anyone else would like to speak to the motion on the floor? Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. You know, there's one thing I just wanted to clarify, there's that separate resolution in a separate Committee. And this resolution, you cannot use eminent domain as a punishment. I just want to make that very clear for the public and anybody watching. So, it's almost as though there are two parallel tracks going on. There's this process that seeks to just acknowledge the dislike of the project, and there's another process that is looking into what happened. So, you know, ultimately everything is kind of in the hands of the Administration. That's how we got here. We don't...we don't approve permits, we don't do all of that. Everything that we do in regards to this property, we don't...it...we don't control, we can't compel to happen. It's a resolution one way or the other, it's a resolution for investigation, a resolution to eminent domain. When we know if there is a price, then we can move forward. Or you know, an appraisal can be done, I guess, without this. And I guess that's all I got to say. Because...

CHAIR MOLINA: Thank you, Member Paltin.

COUNCILMEMBER PALTIN: Sorry.

CHAIR MOLINA: All right.

COUNCILMEMBER PALTIN: Because we're --

CHAIR MOLINA: *(audio interference)*

COUNCILMEMBER PALTIN: -- we're in the situation where our options are limited. You know, even if we do an investigation, and we find like the FBI needs to be involved, it's just that finding, somebody else has to act on whatever it is we do. Somebody else has to act on this resolution, somebody else has to act on the other resolution. So just putting it out there is one option. Thank you.

CHAIR MOLINA: Thank you, Member Paltin. I believe we saw Member Kama, who would like to comment on the motion. Go ahead.

COUNCILMEMBER KAMA: Chair, yeah, I just thought about something as Ms. Paltin was speaking. And so I'm...I'm not sure how to verbalize this. But you know, when I was younger I remember that eminent domain was always applied when there was a great public need. Like if there was a need for a highway, and that's what they did with the H-3, right, and a lot of those communities...in Kapahulu, Kaimuki, that they did...they had to put the eminent domain application on them because they were going to build the...the H...the H-1 freeway through Waialae and Kapahulu. And I'm thinking in this

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

**June 28, 2022**

---

situation, does there have to be a community need for this to occur or not? I'm not sure. So, could we ask that please, Chair?

CHAIR MOLINA: Okay. I guess it depends on what the --

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: -- what...how you define community need, but who...who would you like to ask that question of, Member Kama?

COUNCILMEMBER KAMA: Probably Corp. Counsel, I think.

CHAIR MOLINA: Okay. Mr. Whittaker, you want to take a shot at that question? Go ahead.

MR. WHITTAKER: So, the answer is not necessarily. The eminent domain just needs to have some kind of public purpose that's contrasted with a private purpose. So, if you're just helping a private entity, that would not be legal. But what a public purpose is, is very broad under the law.

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

CHAIR MOLINA: Yeah, thank you, Member Kama. And Mr. Whittaker, if I could add into the conversation. So, the County would have to prove that...that the eminent domain process is to acquire the property for a public purpose, and not for a purpose that is just out of oh, because we don't like this, or the neighbors don't like this. The County has to demonstrate that in court, that there is a bona fide public purpose that this property can be used; am I correct?

MR. WHITTAKER: That's correct, Chair, should that be challenged that it's not for a public purpose. But...and we can go into this in more detail later. But the...what a public purpose is has been...is pretty broad. So affordable housing or even a Hawaiian culture center would be considered a public purpose.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. Anyone else would like to speak to the motion? Okay. Chair Lee, for a second time, go ahead.

COUNCILMEMBER LEE: Thank you. That's exactly what I was going to bring up. You know, the community can talk about various types of public purposes, but one that would make economic sense would be possibly to turn that house into, let's say, a four-unit rental so that...for workforce housing in perpetuity so that we will generate income. Let's say at 2,000 apiece, that's \$8,000 a month that the County could generate to pay for that, whatever we pay for, whether it's 10 million or 12 million. So, over time it will pay for itself, and it will meet some...a need in the community for workforce housing in perpetuity. Thank you.

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

**June 28, 2022**

---

CHAIR MOLINA: Okay. Thank you, Chair Lee. Anyone else would like to speak to the motion before the Chair closes with his comments? Okay. The Chair will take the privilege of speaking last on the motion. The Chair certainly will support this motion, and I want to thank Member Paltin for this consideration. I think this is a...this additional tool will provide the Administration an option. And to hopefully bring some form of closure down the road to address this matter, I invite any of you, my colleagues, if you have not seen this structure, to go out to Nāpili, and you will understand as to why there's a lot of strong sentiment against this structure, and maybe the process. I want to thank Mr. Nakoa, and also Mr. Small, and others who have been very vocal about this. I mean it's their neighborhood, they're the ones that's going to have to put up with this. And hopefully, you know, as we look at future projects, that the process itself from the Department, whether it be Planning, Public Works, and so forth, it certainly needs to be more transparent. And maybe better communication, in hindsight, could have been done. So, you have a problem like this that now is passed off to the Council for us to solve and...and, you know, address, but that discussion will be conducted at a later point as to how we can maybe better...matters like this can be better facilitated. Because I see this now as taking a step closer towards closure on this, maybe for lack of a better term, a neighborhood eyesore. And this is a step where we can potentially make lemonade out of lemons. So, I'll just leave it at that, Members. Chair will now call for the vote. All those in favor of Resolution 22-158 as it relates to eminent domain for the property located at--let me make sure I get the right location--at 5385 Lower Honoapiilani Road. Resolution, of course, is to acquire this real property. All those in favor signify by saying "aye" and raising your hand.

COUNCILMEMBERS: Aye.

CHAIR MOLINA: Any opposition? Okay. The Chair will mark it nine "ayes" with zero opposition. The resolution moves forward to the full Council. All right. Is that...Member Paltin, I see...is there anyone missing here?

COUNCILMEMBER KING: I think the Vice-Chair, your Vice-Chair.

CHAIR MOLINA: Oh, I'm sorry. I thought she was still online. Okay. Chair would like to correct that for the record, we have eight "ayes," one excusal, Vice-Chair Rawlins-Fernandez. So, this will move forward with that vote count, eight-zero.

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

**June 28, 2022**

---

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

**NOES:**   **None.**

**ABSTAIN:**   **None.**

**ABSENT:**    **None.**

**EXC.:**   **Vice-Chair Rawlins-Fernandez.**

**MOTION CARRIED.**

**ACTION:**    **Recommending ADOPTION OF RESOLUTION 22-158.**

CHAIR MOLINA: All right. I want to thank Member Paltin for this consideration, and Members, for all of your hard work. And yeah, we did have five meetings, so the community has had...other members of the community have had ample time to lend their thoughts as to the fate of this project or their opinions of. So, I'm sure...hopefully the Administration will take this proposal from the Council into consideration, and I like I said, to bring closure to this matter in the near future. So, with that said, I believe this completes our agenda. Staff, is there anything the Chair needs to be made aware of before we adjourn?

MS. SUNDERLAND: Chair, there's no further business before the Committee.

CHAIR MOLINA: Okay. Thank you very much. With that said, Chair would like to thank all of you for your hard work, as well as Staff and the Administration. We had a very, very productive day. So, the time is 11:20 a.m. What? Got ourselves some echoing here. All right. Now, we're back on track. All right. 11:20 a.m., the GREAT Committee meeting for Tuesday, June 28th, 2022, is now adjourned. . . .*(gavel)*. . .

**ADJOURN:   11:20 a.m.**

APPROVED BY:



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



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

**June 28, 2022**

---

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

**June 28, 2022**

---

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 49 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 18th day of July 2022, in Kula, Hawai'i



---

Daniel Schoenbeck