

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

September 13, 2022

Online Only via BlueJeans Link

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair (arrived
at 9:02 a.m.)
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Kelly T. King, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member (left at 11:02 a.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (arrived at 9:02 a.m.
and left at 10:58 a.m.)

STAFF: Kasie Apo Takayama, Legislative Analyst
James Forrest, Legislative Attorney
Pauline Martins, Committee Secretary
Jerry Paredes, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
Lenora Dinneen, Council Services Assistant Clerk
Nalani Fujihara, Hawaiian Language Communications Specialist

Anabelle Hernandez, Council Aide, Makawao-Ha'ikū-Pā'ia District
Office
Christian Balagso, Council Aide, West Maui District Office
Daniel Kanahele, Council Aide, South Maui District Office
Denise Fernandez, Council Aide, Lānaʻi District Office
Mavis Oliveira-Medeiros, Council Aide, Hāna District Office
Roxanne Morita, Council Aide, Lānaʻi District Office
Zhantell Lindo, Council Aide, Molokaʻi District Office

Angela Lucero, Executive Assistant to Councilmember Paltin
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
Jade Rojas-Letisi, Executive Assistant to Councilmember Molina
Jordan Helle, Executive Assistant to Councilmember Sugimura
Kainoa Kaumeheiwa-Rego, Executive Assistant to Councilmember
Rawlins-Fernandez

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

September 13, 2022

Kate Griffiths, Executive Assistant to Councilmember Johnson
Lois Whitney, Executive Assistant to Councilmember Kama

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
Caleb Rowe, Deputy Corporation Counsel, Department of the
Corporation Counsel
Guy Hironaka, Real Property Management Specialist, Department
of Finance
Wade Maeda, Acting Assistant Chief, Department of Police

OTHERS: Patrick David Kekoa Ihu
Keeaumoku Kapu
Rocky Balala
Plus (3) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . .*(gavel)*. . . The Governance [sic] Relations, Ethics, and Transparency Committee meeting for Tuesday, September 13th, 2022, will now come to order. The time is 9:00 a.m. For the record, I'm Committee Chair Mike Molina, and I'm transmitting out of the Council Chambers here in Wailuku. And I'm also accompanied by my colleague from Lānaʻi, Mr. Gabe Johnson, who is in the Chambers with me. Good morning, Mr. Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Councilmembers and Committee members. I'm so used to saying where I'm at, but I'm in the Chambers, and the greeting is...oh, my goodness, halo ola keta, if I did that right. And there are no testifiers at the Lānaʻi District Office. Mahalo, Chair.

CHAIR MOLINA: Awesome. Very good, Mr. Johnson. Thanks for mentioning the greeting of the day. I'll...I'll try and pick it up when I get to Council Chair Alice Lee. But before I do that, Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. And let's recognize our Council Chair Alice Lee. Good morning, and aloha.

COUNCILMEMBER LEE: Aloha, Chair. The morning greeting is from Vanuatu, which is in the Southwest Pacific Ocean, and as Member Johnson ably said, halo ola keta. And that's kind of the...the pidgin, which is spoken by two-thirds of the population there. So you'll hear...in their language, you'll hear elements of French and Spanish, and then also portions of English, just like our pidgin here in Hawaiʻi. I'm here in my workspace

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

September 13, 2022

alone, looking forward to your meeting. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Chair, and thank you for the education on our greeting for this morning. Halo ola keta. And speaking of which, the Chair would like to recognize, out in West Maui, Councilmember Paltin. Good morning.

COUNCILMEMBER PALTIN: Halo ola keta, and aloha kakahiaka kākou. Broadcasting live and direct from the West Maui District Office here in historic Lāhainā Town, where we have a little bit of overcast skies, and hopefully some more rain. I'm with Christian Balagso, and Angela Lucero just stepped out for a moment, but she'll be right back. And we have no testifiers at this time. Thank you.

CHAIR MOLINA: Mahalo, Member Paltin. And before I recognize Member Kama, I've been informed at the Pā'ia District Office, there are no testifiers. So halo ola keta and aloha, Councilmember Kama. How's the neighborhood?

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and halo ola keta. The neighborhood is wet. That's what's happening in this neighborhood. And I am here in my workspace alone, looking forward to an expeditious GREAT meeting. Thank you, Chair.

CHAIR MOLINA: Mahalo, Member Kama, I love your enthusiasm. And speaking a lot of rain and ua, let's go out to an area where we traditionally find a lot of that. Aloha, Councilmember Sinenci. Halo ola keta.

COUNCILMEMBER SINENCI: Halo ola keta, Chair, and aloha kakahiaka kākou mai Maui Hikina. For the record, we are broadcasting at the Hāna District Office at 4974 Kealanui Uakea, and I'm here with my District Staff Mavis Medeiros and Dawn Lono, and there are no testifiers.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. And at this point, we will hear from three Members that will be joining us later this morning, our Committee Vice-Chair Keani Rawlins-Fernandez and Councilmember King, as well as Councilmember Sugimura. So once they log on, we'll recognize them. People from the Administration that will be part of our meeting today, we have Mr. --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: -- Guy Hironaka from the Real Property Management Division. Did I hear a voice from afar? Oh, there she is, okay. Good morning, Member King. Halo ola keta.

COUNCILMEMBER KING: What are we...is that our...is that our greeting today?

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: That is our greeting, from Vanuatu. Chair Lee went to great extremes to

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

September 13, 2022

bring us this morning's greeting.

COUNCILMEMBER KING: Halo ola keta, that's nice to be able to pronounce that. And good morning, everyone. Sorry I'm late, but I am actually doing the...the meeting from my home office, and there's nobody around me, and it looks like we have no testifiers this morning at the...let me double check, yeah, at the South Maui District Office.

CHAIR MOLINA: Okay. Mahalo, Member King. And continuing on, from the Administration, joining us for our proceedings this morning, Mr. Ipo Mossman, Community Liaison; and from the Department of Police, Wade Maeda, Police Captain [sic]; and from Corporation Counsel, Caleb Rowe...Deputy Corporation Counsel, and First Deputy Corporation Counsel Richelle Thomson will be joining us for our proceedings as well. And the Chair would like to, of course, recognize our very hard-working Committee Staff, Kasie Apo Takayama, Jerry Paredes, James Forrest, Pauline Martins, Jean Pokipala, and Lei Dinneen. And by the way, Members, just as an FYI, today is Mr. Paredes's last day working for us here in Maui County. My understanding is he is...well, no? Not yet? Oh, okay. Well, soon to be. Okay. Well, at least for the GREAT meeting, right? This is his last GREAT meeting, yeah? So, Chair would like to take a moment to just recognize him and thank him for his service. He is moving over to the big island of New Mexico out in Santa Fe, from what we understand, and it was a pleasure having you, Mr. Paredes, and thank you for inspiring me to always wear coats at my meeting here. All righty. And just walking into the Chambers, Chair would like to give a big aloha and halo ola keta to Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Ditto that. Good morning, everybody. I still got to set up my computer, but good morning, Mr. Molina, Gabe Johnson, everybody here. And I know we're going to miss Jerry, so that was a big announcement yesterday. And you're probably right, this is probably his last GREAT meeting. Thank you for his service, and I...my biggest regret, Mr. Paredes, is that we still haven't solved the chicken problem.

COUNCILMEMBERS: . . .*(laughing)*. . .

COUNCILMEMBER SUGIMURA: But it's...it's still on my to-do list. Thank you. Good morning, Chair.

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

COUNCILMEMBER LEE: Take them to New Mexico.

CHAIR MOLINA: -- and good morning. Good to see you. Well, there's a good suggestion from Chair Lee. That's right, maybe they might want to import some of our chickens here, right, so...all part of economic development. But anyway, moving on, Members, we do have three agenda items today, and we'll address those items, but we'll take public testimony first. Oral testimony via phone or video conference will be accepted, and please note that if you are signed in, you are on the list to testify, even if you did not

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

September 13, 2022

request to testify. Please let Staff know in chat if you are signed on and do not intend to testify. So just a little FYI for all of you out there. And before I continue, I see my Committee Vice-Chair has joined us. Halo ola keta and aloha, Vice-Chair Rawlins-Fernandez. Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui Ahina. I'm at the Moloka'i District Office, alone in the office right now, and I'm sure I'll be joined again on the other side of the office by our Community Outreach Specialist Zhantell Lindo. And I believe we don't have any testifiers. Mahalo, Chair.

CHAIR MOLINA: Okay, mahalo. And continuing on with the testimony rules. In accordance with the newly-revised Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up on the agenda. When testifiers sign up to testify, they must let Staff know whether they wish to testify at the beginning of the meeting or before an agenda item. So anyway, those are some of our new rules that the Office of Information Practices have applied to us. And those of you wanting to provide video or audio testimony, you can join the meeting online via the BlueJeans link or phone number noted on today's agenda. Written testimony is also encouraged, and can be submitted to the eComment link at mauicounty.us/agendas. Oral testimony will be limited to three minutes per item, and if you are still testifying beyond that time, we will kindly ask you to complete your testimony. And please, when testifying, 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 as well. And please clearly identify your name, organization, and items you would like to testify on in chat. And you may indicate in the chat if you do not wish to testify; however, chat should not be used for discussion or comments. And please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. And once you're done testifying...if you do not wish to testify, you can also check out the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. And mahalo to the...to you, Committee Members, the Administration, and the public for your patience in the event we run into any technical challenges during the meeting. I am super, super confident it's going to be smooth sailing today, no technical challenges. That's how confidence I...how much confidence I have this morning, so we'll see how it goes. Okay, and let's see. Staff, they've been monitoring individuals joining today's meeting by phone and by video, and we'll do our best to take each person up in an orderly fashion.

**GREAT-56 RESOLUTION 22-117, RELATING TO AMENDING RESOLUTION 18-210
AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373
ACRES OF COUNTY REAL PROPERTY (LAUNIUPOKO)**

CHAIR MOLINA: So with that said, for our first agenda item, which is GREAT Item 56, Staff, is there anyone that would like to testify on the first item on our agenda?

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

September 13, 2022

MR. PAREDES: Chair, we have two individuals signed up to testify at the beginning of the meeting.

CHAIR MOLINA: Okay, please proceed and announce our first testifiers.

MR. PAREDES: Chair, the first testifier on the list is Ke'eaumoku Kapu, to be followed by Rocky Balala.

. . . BEGIN PUBLIC TESTIMONY. . .

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

MR. KAPU: Good morning. Can you hear me?

CHAIR MOLINA: You're coming in loud and clear. Cannot see you, but we can hear you.

MR. KAPU: Okay, yeah, gonna keep my camera off. I wasn't going to testify, but mahalo for mentioning me. I'm just here to kind of monitor and listen in on the discussion on the agenda item. Thank you.

CHAIR MOLINA: Mahalo, Mr. Kapu. Thank you for joining us nonetheless. Okay, Mr. Paredes, please announce our next testifier.

MR. PAREDES: Chair, the next testifier on the list is Rocky Balala.

CHAIR MOLINA: Aloha, Rocky Balala, this is your opportunity to testify. Please proceed. Rocky Balala, if you're there? Going once, twice, three times. Okay, Mr. Paredes, is there anyone else that has signed up to testify so far?

MR. PAREDES: Chair, we have no further individuals signed up to testify at the beginning of the meeting.

CHAIR MOLINA: Okay. I guess what we'll do if...we can come back to the next...to the testifier, Mr. Balala, if he so chooses at a later point. So, I'll keep testimony open for this first item and check back...Mr. Balala or anyone else who would like to testify. So, let's go ahead and address our first agenda item, GREAT-56, Resolution 22-117, relating to amending Resolution 18-210, in authorizing the disposition of approximately 33.73 acres of County real property out in Launiupoko. And so at this point, the Chair would like to recognize, to give us opening comments on this matter, I believe that would be Mr. Hironaka from the Department of Finance. Mr. Hironaka. Good morning.

MR. HIRONAKA: Good morning, Chair. This is just an administrative correction. When...initially, when we submitted the resolution back in 2018, there were still some changes being done in the area that the State had taken for the bypass. When we acquired the property, it was with the assumption that the State bypass was going to

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

September 13, 2022

be where the initial discussion was. However, at the time that we discussed it with the State, we had found out that they had acquired more land than initially was discussed, and when we sent the quitclaim deed to them, they had realized that another change had happened, and so the wrong exhibit was on there. So this is just to correct the administrative error.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hironaka. What I'll do, I'll open up the floor for any questions from the Members. Members, we'll put you on a...Chair will put you on a clock, three minutes. And we'll start with area representative Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not sure if you guys recall when this issue was referred to your Committee in April, I did ask for a map where the portion that we're talking about would be highlighted. All of the maps, in all of the materials, it's not clear what portion we're talking about specifically. There's all these lines, and all this huge property, and it's not clear. I'm not sure if I want to correct another Council's administrative mistake, but I'm not sure what property we're talking about, and that I asked for clarification back in April. Is this the portion of land, that small triangle at the southern terminus, where all of the residents are continually complaining about of human habitation, unmanaged, excess abandoned vehicles, rubbish? And is it the County's responsibility, is it the State's responsibility? I have heard from a couple constituents wanting to lease the land for agricultural purposes. We don't have an ag farm in West Maui, though we support the Kula ag farms with a lot of property tax monies. I'm not prepared to correct any mistakes until there's answers forthcoming. Thank you.

CHAIR MOLINA: Thank you, Member Paltin. Before I ask for a response from the Administration, I've been informed by Staff, just so we...we stay within the Sunshine Law parameters, any clarifying questions, before we get them answered, we need to address the issue of keeping public testimony open. So, what I'll do...Staff, is there anyone else that has signed up? No? Okay. I've been informed by Staff no one else has signed up to testify. So, Members, if there are no objections, the Chair will close public testimony for this particular item, which is . . . *(inaudible)*. . .

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close public testimony.

CHAIR MOLINA: Okay. All right, as well as accept any written testimony that comes in. So, no objections, so ordered. So, public testimony has been closed on this item. All righty. So, now I will ask Mr. Hironaka to respond to the questions or comments from Member Paltin. Mr. Hironaka.

MR. HIRONAKA: I think that maybe Corporation Counsel can better answer that question. I believe it was just an error in the legal description, the map was correct. But when they

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

September 13, 2022

did the legal description, it was the wrong description...described the property wrong. So it is wherever the bypass is, but Corporation Counsel can clarify that.

CHAIR MOLINA: Okay, let's...let me recognize Ms. Thomson, if you could provide some clarity on this matter? Go ahead.

MS. THOMSON: Thank you, Chair. Yes, Mr. Hironaka's described it correctly. So, we don't know exactly how the incorrect legal description was attached, but that was the problem, is that we needed to attach the correct legal description. And the State, for obvious reasons, was not willing or able to move forward with transmitting the money as 1.2 plus million for this 33 acres. But that is the problem that we're correcting, is the legal description, not the maps.

CHAIR MOLINA: Thank you, Ms. Thomson. Member Paltin, does that provide more clarity to your concerns? Go ahead.

COUNCILMEMBER PALTIN: No, not at all. Mr. Thomson, you don't recall when we transferred this item to Committee that I requested what area we're describing, and asked for it to be highlighted? You don't recall that? I mean, I'm not going to vote on something if...if it can't be described what area we're talking about.

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Guy, are you...thank you. Guy, are you able...I can pull the map up and share screen. Are you able to identify on the map what the area is? Or are you able to share screen and identify the area?

MR. HIRONAKA: I am trying to look at the attachment to see...you know, it was the area that was...that they had described as the bypass area. And, you know, we are not quite sure because we're not engineers, but you know, when we sent it back to the State, that's when they realized that the wrong legal description was attached to the map. They said the map is correct, the legal description is wrong.

CHAIR MOLINA: Mr. Hironaka, Ms. Thomson, is this a time-sensitive matter? Do we have to address this matter within the next 30 days, or...because I'm thinking if Member Paltin or any of the other Members need more clarity prior to voting, I'm open to deferring this item until you can provide that specific information that Member Paltin is concerned about, unless this is a time-sensitive issue. Mr. Hironaka or Ms. Thomson?

MS. THOMSON: I think there is an issue with State funding. However, I...you know, a short deferral would be...would be fine, then we can --

CHAIR MOLINA: Okay, so we could bring this --

MS. THOMSON: -- ask an engineer to, you know, highlight the map.

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

September 13, 2022

CHAIR MOLINA: Okay. So we could bring this back. Next month wouldn't be a problem? Okay.

MS. THOMSON: Yes.

CHAIR MOLINA: All right. I see Member Paltin, and I believe Member Sugimura had her hand up as well. Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Chair, I was wondering...maybe because I...I did already ask for this in April, and...and now it's September, maybe we can also transmit it in writing? And if it's the portion makai of the current bypass, including that triangle portion, ask would this put this...put the unmanaged homeless camp in the State's purview...because residents are really upset about that area. And on their County real property tax maps, it says that it's County of Maui, and they continually ask why the County isn't doing anything. I mean, we fined that one property on Lānaʻi that was being used as a car junkyard, and this is really close to the ocean, and it's being treated worse than a car junkyard. So, who would be ultimately responsible, and what needs to be done to address the issue? If...if we hand it over to the State, does that mean the County has no more responsibilities? Or is it going to be a joint effort? Or is that the reason why nothing has been done? Because it's been in limbo since 2018, my community really would like some answers.

CHAIR MOLINA: Yeah, Member Paltin, what the Committee Staff can do, we can make an inquiry on your behalf to get some of your questions answered, if that will help? Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay. No problem. No problem. By all means, I think your community should certainly be made aware of what's...what's happening. Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I just have a question. I'm looking at the document and Exhibit A1, can you...can you direct me to which exhibit clearly denotes the issue this morning?

CHAIR MOLINA: Staff, can you provide some assistance for Member Sugimura?

COUNCILMEMBER SUGIMURA: A1, A2, if --

CHAIR MOLINA: Or...or...or Mr. Hironaka, maybe?

COUNCILMEMBER SUGIMURA: Because the exhibit didn't change, right? Just the description is what you're saying is clarified?

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

September 13, 2022

MS. THOMSON: Chair, if I could? It's actually...so the correct exhibit, the legal description is A1.

COUNCILMEMBER SUGIMURA: A1?

MS. THOMSON: It's attached...that's attached to the reso dated as of '21...2021.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: What was that date again? I'm sorry, Ms. Thomson.

MS. THOMSON: It's the reso that was transmitted...the most recent reso that is trying to correct the exhibit, the legal description.

CHAIR MOLINA: All right. Thank you. Member Sugimura, does that --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: -- provide clarity for you?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Okay. All right, Members, any other questions? The Chair's recommendation is going to be to defer this matter, and we'll bring this back ASAP sometime next month. Member Paltin.

COUNCILMEMBER PALTIN: Sorry, just one more question. Wondering why we're giving a quitclaim deed as opposed to the original warranty deed as well, when it was originally going to be there was a warranty deed, and now we're conveying as a quitclaim deed. Just wondering why that change as well.

CHAIR MOLINA: Thank you. Ms. Thomson.

MS. THOMSON: So a quitclaim deed is actually the most protective of the County. What it means, is that we're...we're conveying without certain warranties. So, it's...it's most protective of the County, and it's what was negotiated with the State, so they did not have a problem with it. When we purchase, we want to accept property generally by warranty deed. When we sell, we want to do it by quitclaim.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: Thank you, Member Paltin. I saw Member Kama with her hand up, followed by Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. So, you know, when the Administration comes

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

September 13, 2022

back with the maps, is it possible for them to have real pictures, as opposed to just lines...you know, black lines on a white piece of paper?

CHAIR MOLINA: Yeah. Good...good question. I guess a picture is worth a thousand words, and the more clarity, the better, yeah. Mr. Hironaka, any possibility we can get...honor Member Kama's request?

MR. HIRONAKA: We can try to work with either the State or...or GIS to try and get an aerial of the...of where the bypass is.

CHAIR MOLINA: Okay. That's a good suggestion. Yeah. I like those aerial shots. Makes a difference, versus then seeing a lot of squiggly lines and so forth, yeah. Good request, Member Kama. Thank you. All right, let's go to Member Sugimura.

COUNCILMEMBER SUGIMURA: So, this question then...so, once the bypass gets built, and the reason why the...I think it's \$90 million total, including the RAISE grant that was awarded. But what is going to...this is the parcel trying to allocate the parcel for where it's going to go. What's going to happen to the parcel that we...that we currently have the problem on, where it's falling into the ocean? So, I have a concern for the County, and what kind of responsibilities will we have to the property that's...all of it is not falling into the ocean, but that's the susceptibility, that's why this grant...I mean as to why this...this move is happening. And I'm just concerned how this impacts the County and Department of Public Works, once this happens, so...maybe it's another item that I need to create in my Committee.

CHAIR MOLINA: Yeah. Good point. Administration, are you able to answer that question here today? Or maybe what the Committee Staff can do, we can...I don't know if we can --

COUNCILMEMBER SUGIMURA: Maybe send a question --

CHAIR MOLINA: -- tie into the...and we could...well, we could send an inquiry. Yeah --

COUNCILMEMBER SUGIMURA: Maybe to the State.

CHAIR MOLINA: -- with your question, and include the State?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Would that be Mr. Shishido or Mr. Sniffen?

COUNCILMEMBER SUGIMURA: Rob...Robin Shishido. Ed Sniffen is involved in this, because it's one of their priorities.

CHAIR MOLINA: Okay. Okay. We'll just address it to the State, and they'll...they can --

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

September 13, 2022

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: -- yeah. Okay. All right. Very good. Members, any other questions or requests as it relates to this item? Okay, if there are no objections, the Chair will defer this item. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

GREAT-2(41) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(RESOLUTION 22-63, MAUI REDEVELOPMENT AGENCY)

CHAIR MOLINA: Okay, so ordered. Moving right along, Members, let's go now to GREAT Item 2(41), related to Nominations to Boards, Committees and Commissions. At this time, I'd like to open up public testimony for this particular item, which is the nominee from the Administration is Patrick David Kekoa Ihu to the Maui Redevelopment...development Agency, for a term expiring March 31st, 2027. Committee Staff, is there anyone signed up for testimony?

MR. PAREDES: Chair, we have no individuals signed up to testify on this item.

CHAIR MOLINA: Okay. Thank you very much. Members, I'll go ahead and maybe leave the item open, once we hear Mister...the...the nominee, as well as Administration, and then upon that, then Chair will make one more call for public testimony, and then we'll close it upon the Committee's request. So, at this time, I'd like to . . .(inaudible). . . recognize Mr. Mossman, if you would like to provide opening comments on the nominee of Mr. Patrick David Kekoa Ihu? Good morning, Mr. Mossman.

MR. MOSSMAN: Good morning, Chair Mike...good morning, Chair Mike Molina, and Councilmembers. I appreciate the opportunity in introducing Mr. Patrick David Kekoa Ihu, an appointee by the Mayor to the Maui Redevelopment Agency. You know, he's been sitting by, as...as we see his application has been in since January, and entered in in February 14th, so we're excited to get him on that board. As a resident of Kahului, he is...he has been born and raised in Old Wailuku Town. He has his office, which is part of the Ihu Properties, LLC, which is a member, and 25 years of real estate experience, commercial and resident property management, association management. So, quite a person with the background of...of real estate. He is still presently with the real estate...I guess is the...I'm not sure what the PB is, and he's of Democratic affiliation. Wailuku Community Association Business Network, International Maui Chapter member. I would like to introduce Mr. Patrick Ihu, who happens to be on the call if needed.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman, for your opening comments.

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

September 13, 2022

So, Mr. Ihu, if you're on the call, please join us, and we'd like to get some opening comments from you, maybe about a minute or two. Just tell the Committee a little bit about yourself, and as to why you would like to be selected to serve on the Maui Redevelopment Agency. Mr. Ihu, are you there?

MR. IHU: Yes.

CHAIR MOLINA: Okay.

MR. IHU: Aloha, everyone. My name is Patrick Ihu from...well, my office is on 81 Central Avenue, so I'm at my office currently. Yeah, when I have the opportunity to serve on boards I...I would love to serve on something that's where I'm originally from. I was born and raised in Happy Valley, lived in Wailuku most of my life. My office is in Wailuku. And, you know, I grew up here, I built my business here, and I...I really love the town and...that I was born and raised in, and I think I'll be a great asset to the MRA.

CHAIR MOLINA: Okay. Thank you very much, Mr. Ihu. I'm going to open up the floor for questions from the Members. I'll just start off first with just one simple question. So, this wouldn't...timewise wouldn't be a problem for you? I believe the MRA-- and maybe if Mr. Mossman would like to stand and correct me--they typically meet once a month; am I correct, Mr. Mossman? Or is it on an as-needed basis?

MR. MOSSMAN: No, they...they are scheduled to meet once a month, but they do go through as needed. But they do have a scheduled program for once a month.

CHAIR MOLINA: Okay. And they start about, what, 9:00 or is it afternoon meetings?

MR. MOSSMAN: Well, it's the first Tuesday at 10:00.

CHAIR MOLINA: Okay. Great.

MR. MOSSMAN: Of the month.

CHAIR MOLINA: All right. So, Mr. Ihu, no problem then, as far as making the meetings, then, I assume?

MR. IHU: Yeah, once a month, 10:00, the first Tuesday is no problem for me.

CHAIR MOLINA: Okay. All right. Thank you very much. And Members, before we proceed with any further questioning, Staff, is there anyone signed up to testify on this particular item?

MR. PAREDES: Chair, no individuals have signed up to testify on this item.

CHAIR MOLINA: Okay, Members, if there are no objections, Chair will close public testimony

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

September 13, 2022

for this item. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close public testimony.

CHAIR MOLINA: Okay. So noted. All right. Let's just start first with our area representative, Chair Lee, for any questions for Mr. Ihu. And Members, again, Chair will put you on a clock. It's three minutes, so Chair Lee, you can start off first.

COUNCILMEMBER LEE: Mr. Ihu, thank you for volunteering to serve on this board. Just wondering, do you have an opinion about the art initiatives in Wailuku Town?

MR. IHU: I'm vaguely familiar with that. I believe...is that the Cultural Center you're referencing, or...or just arts in general?

COUNCILMEMBER LEE: Well, the artwork in the town, and then the Cultural Center that's being proposed, and you know, all of those things that are coming up in Wailuku Town.

MR. IHU: Yeah. I mean, I...I love the artwork that came out on the buildings. That was nice...you know, adds culture to Wailuku Town. As far as the Cultural Center, I'm not too privy on what it's...what it's all about, but you know, I'm very supportive of cultural aspects. As a Native Hawaiian, I...I'm always supporting, whether it's hula or arts in general.

COUNCILMEMBER LEE: Okay. Thank you very much. Thank you.

CHAIR MOLINA: Thank you very much, Chair Lee. Let's go to Committee Vice-Chair Rawlins...Keani Rawlins-Fernandez, followed by Member Kama. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Ihu. Mahalo for your willingness to serve on the MRA. So, the Chair asked...I usually ask the nominees three questions. The Chair asked my first question, which was about attendance, which sounds like there isn't a concern. And then my second and third question is regarding your experience with the MRA, if you've ever attended any of the meetings, watched any of the recordings, or reviews...reviewed any of the minutes, and how you envision contributing to the MRA?

MR. IHU: Yeah. I mean I've...I've come before the MRA a couple of times, but that was, I believe, over a decade ago. We manage a lot of commercial properties, so there was one that we...we had to redo, renovate, and we came before the MRA, and they suggested colors and keeping the...the building looking like how it did historically, and keeping all the patinas and the facades and that kind of stuff. So, I've been to the MRA meetings a couple of times, but...and I've reviewed a couple of minutes over the years. But it's not that I keep track of it, but you know, I'm familiar with what they do, and...and the

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

September 13, 2022

process, yeah. I think I'd bring something unique to the MRA, being born and raised in the MRA district. I mean, I don't want to date myself, but I...I was there when there was Ikeda's, and Kress Store, and National Dollar, and Home Maid Bakery was in Happy Valley, when they originally started. So was Sam Sato's and...yeah, I'm pretty old, so I know all these places. Molina's had his bar and his hotel there when I grew up. So, I think I bring a unique...you know, because I grew up there. So I...I remember, like, Wakamatsu Fish Market and Fujiya's Japanese restaurant, and Sheila's Boutique, Happy Valley Laundromat, Nashiwa Bakery. But I think...because I was born and raised here and I grew up in this district, I think I bring something unique to the MRA.

VICE-CHAIR RAWLINS-FERNANDEZ: And then because you have your business there and you manage properties within the MRA, do you anticipate any financial conflicts?

MR. IHU: No, I don't have nothing planned as far as investing or developing in the MRA district. I'm working on some projects in Kihei for affordable housing, but that's still up in the air. But I...I think if there was a conflict, I would just recuse myself if there was a quorum.

VICE-CHAIR RAWLINS-FERNANDEZ: And then last question, follow up on your opening statements. You describe yourself . . . *(timer sounds)*. . . as being an asset. In addition to knowing a lot of the landmark places of Old Wailuku Town, how else did you...were you imagining...envisioning your *(audio interference)*?

MR. IHU: I think my real estate...my real estate background, and my background in construction and...and renovations, and I...I know they do a lot of reviews as far as proposed developments, and...or even just basically replacing a roof or...or stuff like that. But I do have extensive real estate and construction background as well. But I think with Old Wailuku Town, it's more cultural, and keeping Wailuku, Wailuku, you know? And...but I think my experience in those avenues brings...brings something to the table as well.

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

CHAIR MOLINA: Mahalo, Vice-Chair. Boy, Mr. Ihu, you brought back a lot of memories mentioning all those old time businesses, especially my uncle's bar, which I spent some time there as a child, but not as a customer, obviously, just a curious little boy. All right. Okay. Let's go to Member Kama. Go ahead with your questions for Mr. Ihu.

COUNCILMEMBER KAMA: Thank you for the trip down memory lane, Chair. Thank you for being here, Mr. Ihu. So, you know, you...you mentioned in your...in your application, that you would bring a unique perspective to the board. And I think you touched a little bit upon that when you...when you helped us to understand the historic knowledge that you had in growing up there. So, my question to you is, what do you see yourself proposing, if it...if anything at all, to the MRA?

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

September 13, 2022

MR. IHU: Right now, I'm...I'm coming into it open minded, and I pretty much want to go in and learn, you know, from the current board members. And I...and I think that, you know, I'm a quick learner, but I want to come in with an open mind, with no proposals or agendas to...to anything. And I just want to...I'm just excited to possibly have the opportunity to do so.

COUNCILMEMBER KAMA: Thank you for that response. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. Is there anyone else have questions for Mr. Ihu? I see Member Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice to see you here, Mr. Ihu. I will tell you that working with the MRA or Erin Wade on trying to create this art district, that they've been waiting for you to be confirmed, hopefully, because the MRA has had a hard time with quorum, without your filling the seat, so I hope that we do. I just wanted to thank you. During the pandemic, I got to work with you, or learn from you as there were people out there worked on the eviction moratorium issue with...with a panel of attorneys and...and...and judges and whatever, and...and I know that in this you were very helpful, you know, to the people in need. So I just wanted to shout out over and beyond the MRA, I look forward to working with you, and for you to be sitting on the...in...in the MRA, and...so that they can carry on their work. I think that your...your contributions will be greatly appreciated. But I also want to thank you for your service in trying to keep the, you know, people housed, and...and in your work of property management. So thanks a lot.

CHAIR MOLINA: Thank you very much, Member Sugimura. Members, any other questions for Mr. Ihu before the Chair makes a recommendation? Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Ihu, for your willingness to serve. I just was wondering, are you familiar with the Wailuku Redevelopment Area, Zoning and Development Code, and that Section in Chapter 19 of our Maui County Code?

MR. IHU: Not that specific code, no, I'm not...I'm not privy to it. I haven't reviewed it. I don't have it in front of me.

COUNCILMEMBER PALTIN: Would you be willing, as a part of this board, to become familiar with it?

MR. IHU: Oh, yeah, definitely. Like, I'm willing to learn, you know.

COUNCILMEMBER PALTIN: And then my last question would be, in light of how Member Sugimura said that they're pursuing this arts...or Arts and Cultural District, and we're pursuing the building of that Hālau of 'Ōiwi Arts. I just was wondering, you know, in a ideal world, what your vision would be for that area, given those parameters, and any

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

September 13, 2022

kind of opportunities and challenges that you envision moving forward?

MR. IHU: As far as the arts, I don't know too much about the project. I've seen, you know, snippets here and there on social media. I think it's a...it's an awesome idea. My problem back in the day was we were just building...to me, in my opinion, were filling Wailuku with too much very helpful nonprofits like Mental Health Kōkua and MEO's prison program. But I think it was just putting too much mental health kōkua buildings, I don't know if it was three or four of them, and then the MEO prison stuff. And it was just...I...I'm all for diversification, but when you put all that kind of programs in one central area without having diversification, like the arts, or...or businesses, or...or even affordable housing or...or whatever that is, commercial stuff, or even like this, you know, cultural center. I...I think it'll be a blessing for our community, in my opinion.

COUNCILMEMBER PALTIN: But just...sorry, I lied about that last question. You're ready to fully immerse yourself, the Zoning Code, what's going on with Hālau of 'Ōiwi, like get updates, and just --

MR. IHU: Oh, yeah.

COUNCILMEMBER PALTIN: -- yeah?

MR. IHU: Yeah, definitely.

COUNCILMEMBER PALTIN: And...and you see an opportunity for economic diversification in the bringing of the Arts District and the Hālau of 'Ōiwi Arts?

MR. IHU: Oh, yeah. I mean, I think it's a wonderful idea, and I think it'll...it'll benefit the community in general. Not only Wailuku.

COUNCILMEMBER PALTIN: Okay. Thank you. I...I support it...you.

MR. IHU: Thank you.

CHAIR MOLINA: Thank you very much, Member Paltin. Members, any other questions for Mr. Ihu before the Chair makes a recommendation? Okay, seeing none of that, we'll thank you, Mr. Ihu, for your willingness to volunteer your time. And as Member Paltin mentioned, there may be a lot of reading required, but I know you certainly are up to the task, and I know you're not going to be afraid to ask any questions that will be on your mind. And you certainly have been part of that community for a number of years. You certainly will...I have supreme confidence in you that you will be very committed to the responsibilities that go with this position. So, with that said, Members, the Chair will recommend the adoption of Resolution 22-63, and placing the name of Patrick David Kekoa's [sic] name for approval, with the term expiration of March 31st, 2027 on Exhibit B. So, that is the Chair's recommendation, and will entertain a motion.

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

September 13, 2022

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Okay, it's been moved by Member Sugimura, second by Chair Lee. Any discussion on the motion? Okay, seeing no discussion, Chair will call for the vote. All those in favor, signify by raising your hand...Member Paltin, did you have a question?

COUNCILMEMBER PALTIN: Oh, I just wanted to mention, it's Maui County Code Section 19.39, so it's easier for Mr. Ihu to know where that Wailuku Zone area is. Just give him a little head start there. He can --

MR. IHU: 19.39. Got it.

COUNCILMEMBER PALTIN: -- move...19.39. I love guys that do their homework, you know?

CHAIR MOLINA: All right. Mahalo, Member Paltin. So Mr. Ihu, just...you're on notice. Member Paltin going to be checking in on you every now and then when you're on the MRA, so...

MR. IHU: I'll do my best.

CHAIR MOLINA: Just kidding. All right, Members, any other discussion on the motion to approve Mr. Ihu? If not signify by saying "aye" and raising your hand. Aye.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, Chair will mark it nine "ayes" and no opposition.

Council of the County of Maui

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

ABSTAIN: None.

EXC.: None.

ACTION: ADOPTION OF RESOLUTION 22-63, CD1 APPROVING NOMINATION OF PATRICK DAVID KEKOA IHU TO THE MAUI REDEVELOPMENT AGENCY.

MR. IHU: Mahalo. Mahalo, everyone. Thank you.

COUNCILMEMBER KAMA: Expeditious.

- 19 -

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

September 13, 2022

CHAIR MOLINA: Okay. Thank you very much, Mr. Paredes. So Members, Chair...if...seeing that there's no one interested in testifying on this item, Chair will make a recommendation to close public testimony on this item. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close public testimony.

CHAIR MOLINA: Very good. So noted. Okay, so let's get right into the item. And we have, from Corporation Counsel, Mr. Caleb Rowe, to provide opening remarks on this item. Mr. Rowe, good morning. Mr. Rowe, we're having...we can see you, but we can't hear you. Could you make whatever adjustments you need to make? *(Audio interference)*

MR. ROWE: Is that better?

CHAIR MOLINA: Oh, much better. Go ahead.

MR. ROWE: Sorry, the headset has a mute button on it, and sometimes I accidentally hit it. So, this is a workers' compensation matter involving a retired...currently retired police officer. In April of 2009, this police officer was investigating a criminal case near his residence when he was physically assaulted by multiple people, and sustained several injuries. Those injuries are pretty voluminous. They include to the lower leg, to his jaw, they affected...they hit him in the head, so it affected his hearing and his...his...created a cognitive impairment. Also injured his spine, his shoulder, both of his legs, several ribs, his jaw, his lower back, his nasal and skull fracture, his eyes, and his elbows. So, he did sustain fairly significant injuries. He has since retired, and we have been working to try and close out this case. And so what we've been able to do is we've been able to reach an agreement on the permanent partial disability ratings, as well as disfigurement, and he has accepted a medical wash to cut off his future medical coverage. So, he will...his private insurance will begin paying that instead of it coming out of the County's dime. Because this does...any further discussion would involve speaking about specific medical issues, as well as negotiations, I...I would like to ask that any further discussion be in executive session.

CHAIR MOLINA: Okay. Thank you very much, Mr. Rowe. We also have, from the Police Department, Captain [sic] Maeda. If Captain [sic] Maeda would like to provide comments in open session, here's your opportunity, sir. Good morning. Any more additional --

MR. MAEDA: Good morning.

CHAIR MOLINA: -- comments on this matter?

MR. MAEDA: No...I have no comment. I'm just open for questions.

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

September 13, 2022

CHAIR MOLINA: Okay. Thank you very much. Members, any questions for Mr. Rowe or Captain [sic] Maeda in open session on this matter? Okay, I see Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify. Was this...did you say that this event took place in 2009?

CHAIR MOLINA: Mr. Rowe.

MR. ROWE: Yes, that's correct. That is correct.

COUNCILMEMBER PALTIN: I just was wondering how come it took 13 years to get to this point?

MR. ROWE: That...that is an excellent question. With workers' compensation, before there can be a rating, individual has to attain what's called maximum...maximum medical improvement, meaning that they're not going to get any better, and so we do know what their permanent restrictions are going to be. In this particular case, it just appears that it took that long.

COUNCILMEMBER PALTIN: And...and my second question is, is this the individual that was serving on the liquor commission?

MR. ROWE: Yes, it is.

COUNCILMEMBER PALTIN: Okay. So it took...you're...basically, you're saying it took 13 years to realize the extent of his injuries, and like how it would affect him in daily life?

MR. ROWE: And for the...even the injuries that were recognized, in order for them to become stable, to an extent that a doctor could provide a rating on...as to what the permanent impairment was going to be. Because they don't provide a permanent impairment rating until every avenue for improvement has been exhausted. So, for example, you know, if you can...if surgery might make you better, they would have...they would send you to surgery. If there are other things, like physical therapy, that might get you better, they would have you go through physical therapy prior to...to getting your...your permanent rating.

COUNCILMEMBER PALTIN: And this amount of time is pretty normal, or is this like an outlier?

MR. ROWE: It is...it is one of the longer cases, but it is, by no means, the longest that...that we've had. These...these things, you know, especially with fairly catastrophic injuries, they...they do tend to take a longer period of time.

COUNCILMEMBER PALTIN: Okay. Thanks for educating me. Thank you, Chair.

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

September 13, 2022

CHAIR MOLINA: Okay. Thank you, Member Paltin. Members, any other questions in open session? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Mr. Rowe. So, when was the permanent improvement rating issued?

MR. ROWE: So, we had to go through several rounds, because different specialists had to provide the ratings, just because there were several different kinds of injuries, and no doctor can give, you know, every single kind of rating. So, we have one from 2018, we have another from 2019, and the final one, it looks like, was for the...for the hearing, which took place in 2021.

COUNCILMEMBER KAMA: How many ratings were there? Got to have one, probably, from the bone doctor, the ear doctor, the eye doctor, and all those --

MR. ROWE: Well, we had a --

COUNCILMEMBER KAMA: -- to be...to sign off?

MR. ROWE: So we had a total of 21 separate ratings, but those are from four...I believe, four different reports...medical reports.

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

CHAIR MOLINA: All right. Thank you, Member Kama. Members, any other questions in open session? And as you heard Mr. Rowe mention earlier, any more specifics, especially in discussing...discussing the...any injuries and medical-related matters, it's appropriate to discuss that in executive session. So, with that said, seeing no other questions for open session, the Chair will entertain a motion...oh, Member Kama, go ahead. So Member Kama, could you unmute?

COUNCILMEMBER KAMA: Thank you, Chair. Yes. So my question is, was this police officer responding to a call?

CHAIR MOLINA: Mr. Rowe.

MR. ROWE: I'm not entirely aware of what the specific incidence of this one was. I believe that he was at home, and he heard a disturbance, and he went to go investigate.

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

CHAIR MOLINA: Thank you, Member Kama. Any other questions for Mr. Rowe or Captain [sic] Maeda? Okay. Chair will then entertain a motion to convene an executive session meeting in accordance with Section 92-5(a)(4), Hawai'i Revised Statutes to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties,

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

September 13, 2022

privileges, immunities, and liabilities. So, Chair will entertain a motion, and remind everyone we do need a minimum of six votes to go into executive session. Okay. Anyone would like to make the motion for executive session? Okay, made by Member Johnson, second by Member Sugimura.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Any discussion on the motion for executive session? Seeing none, all those in favor signify by saying “aye” and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay, thank you. Chair will mark it nine “ayes,” with zero opposition.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

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

CHAIR MOLINA: So, Members, just a couple of things before we go into executive session. For my colleagues who are here with me in the Chambers, it has been recommended that we go to our offices, and leave the Chambers during executive session, and log on from our offices. And of course, the standard rule is, no one is to accompany any one of us while we are in executive session. And you will be receiving an executive session link from Committee Staff to log on to once we go in there. And also...so, Mr. Rowe, and I believe Mr. Maeda, will be joining us as well at the presumed time. Speaking of which, Members, it is 9:53. So we're moving on pretty well. Let's...you guys want to take a break and go into executive session at 10:15, 10:10? What is the pleasure of the body? 10:10?

COUNCILMEMBER KAMA: Yes, that's fine.

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

September 13, 2022

CHAIR MOLINA: Okay. Mr. Rowe?

MR. ROWE: Chair? Chair, if I may, I am supposed to have a phone call at...at 10:00. I was expecting this to be longer. It is...it's actually a workers' compensation hearing that's taking place at 10:00. I anticipate it taking about 20 minutes. If...if...if the Council would indulge me, then I can...then I'll be able to be assured that I'll...I'll be available.

CHAIR MOLINA: Okay. Members, you've heard the request from Mr. Rowe. Is 10:20 okay? We'll just...and I'm sorry to force upon you, an additional longer recess, but if it's...you're okay with that --

COUNCILMEMBER KAMA: Oh, my God.

CHAIR MOLINA: I know, I'm sorry to punish you further with more...more free time, but...all right, Members, so that's...Committee Staff?

MS. THOMSON: Chair, if possible, could you do 10:30, just to make sure Caleb isn't rushing?

CHAIR MOLINA: Okay. Boy, I give you guys an inch, you want a foot here. Let me...let me check with Committee Staff on something.

COUNCILMEMBER KAMA: We like the anguish.

MS. APO TAKAYAMA: Chair, yes. For the record, can we just name the required personnel in the executive session? So, I believe that's Deputy Corporation Counsel Caleb Rowe, First Deputy Corporation Counsel Richelle Thomson, Legislative Attorney James Forrest, Committee Secretary Pauline Martins, and Assistant Chief Maeda.

CHAIR MOLINA: Okay, that is our list of...and of course, the nine Committee Members. Corp. Counsel, or Mr. Maeda, anyone else you believe should be allowed into executive session, or is that sufficient for both of you? Just the two of you? Would Ms. Thomson and Mr. Rowe and Captain [sic] Maeda, is that fine? Okay. All right. Those are the individuals that will be allowed into the executive session, for the record, prior to going into that. Okay, Members. So wow, you have enough time to even go run across the...go get...have a little breakfast or something too, at the same time. So, we will convene promptly for executive session at 10:30 a.m. This GREAT meeting is in recess, and will reconvene in executive session at 10:30 a.m. Meeting in recess. . . .(gavel). . .

RECESS: 9:55 a.m.

RECONVENE: 11:32 a.m.

CHAIR MOLINA: . . .(gavel). . . The GREAT Committee meeting for Tuesday, September 13, 2022, will now come back to order. Members, we have just concluded our discussions

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

September 13, 2022

on GREAT Item 11-21 in executive session, and at this point the Chair is going to offer a recommendation. And that is...the...the recommendation is to adopt the Resolution 22-104 for the stated amount, as mentioned in executive session. Chair will entertain a motion to adopt the resolution.

COUNCILMEMBER KAMA: So moved.

CHAIR MOLINA: Okay, moved by Member Kama, seconded by Member King. All right, Members, the floor is open for discussion on the motion, and Chair would like to recognize Mr. Rowe first to provide any additional statements that can be shared in open session. Mr. Rowe?

MR. ROWE: Thank you. So there were two things that were discussed in executive session that the Members had asked that be mentioned in...or that were mentioned in closed session that the Members asked be referenced in open session. The first one being, the kind of, Code of Conduct Pay of police officers, which does create a kind of responsibility for them to respond to any crimes or dangerous situations that they observe, even when they are off of duty. And so, that being the case, that would make injuries that are...that are...result from...from acting in that capacity, would still be considered work related for the purposes of workers' compensation. The second of those is specific to the handling of this specific case. Due to the nature of the relationship between Mr. Becraft, who is the fiancé of the Director of my Department, we did...or I personally did recuse myself from the negotiations in this matter, and they were, instead, conducted by the...our insurance adjusters at John Mullen, who were the ones who directly negotiated with Mr. Becraft in the process of reaching this resolution. And my...my involvement was kind of limited to presenting this to Council.

CHAIR MOLINA: Okay. Thank you very much for those additional comments on this matter in open session. First, Member Kama, do you have any comments on the motion first, before I go to Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER KAMA: No comments, Chair, thank you, but I support the motion. Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I also support the motion. And mahalo, Mr. Rowe, for disclosing some of the items that I had requested to be shared in open session for the public. I...an additional piece of information I think should be added with the handling of the insurance. It wasn't you as the Deputy Corporation Counsel, it was First Deputy Corporation Counsel Thomson that handled it with the insurance company?

MR. ROWE: Right. So normally, we're fairly involved in the negotiation process directly

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

September 13, 2022

with...with the claimants and, you know, the insurance company is...is to a later extent. In this particular case, we did have the primary responsibility for that go to the insurance company. That being said, any settlement that's offered has to priorly be approved by someone from the Department. And so, in this case, instead of me doing that, it was Ms. Thomson who did that.

VICE-CHAIR RAWLINS-FERNANDEZ: Got it. Okay, mahalo for that clarification. So, the other things that we had talked about was that there's a *Star Advertiser* article that was shared in executive session to help with understanding the course and scope in arriving at this decision . . .(timer sounds). . . and that will be added to Granicus, so that it's together with this item for the public record. And there was also a request for the police report, so that it's not only a newspaper article that would be available to the public for more understanding of the situation, but it would also be the police report itself. And in...in determining the course and scope of...of this work, we talked about the duty to act, and we also talked about the rules of engagement, on how to carry out a duty to act. And that includes the protection of property, and not just persons, not just people's lives, but property, and...and...and whether that is...is correct. And we talked about policy when we have items of settlement like this all the time. For example, in South Maui, when there was the DEM truck, the arm was up, it pulled down the electric wire, and it damaged poles, and we had talked about policy. We always talk about policy when it comes to these kinds of settlements, so that we understand what can be improved upon. So, I just wanted to include those pieces of information, and I support the motion. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair. Members, any other comments on the motion that is currently on the floor? Member King.

COUNCILMEMBER KING: Thank you, Chair. And I'm hoping that we're going to get the police report before first reading if this passes out of Committee, that was requested by Chair Lee. Is that...is that doable, Mr. Rowe?

MR. ROWE: Yes, I will...I will request that, and we'll undertake, you know, some limited redactions. But we will...we will provide that to the Committee.

COUNCILMEMBER KING: Okay. And the other thing is, did you say...you...you mentioned that you recused yourself? Did you say why?

MR. ROWE: Yes. Because the employee in this matter is the fiancé of the Director of our Department.

COUNCILMEMBER KING: Okay. So...so, anybody who's in Corporation Counsel would be recused then, because of that relationship with the Director? With the --

MR. ROWE: That is...that is correct. We normally, if things are...at least in the terms of workers' comp, if they involve someone in the Department, we...we don't...we recuse

Council of the County of Maui

September 13, 2022

ourselves --

COUNCILMEMBER KING: Okay.

MR. ROWE: -- or someone in close proximity to someone in the Department.

COUNCILMEMBER KING: Okay. So, you feel...that...and that's why it was turned over to the insurance company to handle it directly?

MR. ROWE: That is correct.

COUNCILMEMBER KING: Okay. Wanted to clarify that for the record. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member King. Members any other discussion on the motion before the Chair calls for the vote? Seeing none, all right. Thank you very much, Members and Corporation Counsel, for all of your hard work, as well as Chief Maeda. Chair will call for the vote. All those in favor of the adoption of Resolution 22-104, signify by raising your hand and saying “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition? Seeing none, the Chair will mark it seven “ayes,” with two excusals, Member Paltin and Member Sugimura.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Paltin and Sugimura.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION 22-104.

CHAIR MOLINA: All right. This matter will be forwarded to a future Council meeting, I believe at the earliest, that will be the October 7th Council meeting. So just a little FYI for you, Mr. Rowe, so you can provide us that police report as requested by Member King prior to that Council meeting, where this matter will likely be heard at the earliest. Okay. My

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

September 13, 2022

goodness. I think we completed our agenda before 12:00. You've earned yourself extra time for an additional recess to energize yourself for another meeting that promises to have a lot of thrills, and spills, and excitement...our recessed Affordable Housing, chaired by none other than Councilmember Johnson from Lānaʻi. We look forward to that at 1:30. Staff, is there anything the Chair needs to be made aware of before we adjourn?

MS. APO TAKAYAMA: Chair, there is no further business before the Committee. Thank you.

CHAIR MOLINA: Excellent. All right. Chair would like to thank everyone involved, Committee Staff, Administration, for all of your hard work and due diligence here today. Member King?

COUNCILMEMBER KING: Yeah. I just wondered if you could give me...my...my Committee meeting an introduction like that for tomorrow morning?

COUNCILMEMBERS: . . .*(laughing)*. . .

CHAIR MOLINA: Yeah, I'll work on that. I'll do that for everybody, okay? Make sure we got to recognize *Akakū* for doing such a good job in covering for us today. All right. With that being said, Members, the time is 11:41 a.m. The GREAT Committee meeting for Tuesday, September 13th, 2022, is now adjourned. . . .*(gavel)*. . .

ADJOURN: 11:41 a.m.

APPROVED BY:



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

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Transcribed by: Kaliko Reed

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

September 13, 2022

CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 29 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 13th day of October 2022, in Wailuku, Hawai'i



Kaliko Reed