

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

November 1, 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 (In at 9:04 a.m.)
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Kelly T. King, Member (In at 9:05 a.m., Out at 11:41 a.m., In at 11:50 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (In at 9:03 a.m.)

STAFF: Kasie Apo Takayama, Legislative Analyst
Traci Fujita, Director of Council Services
David Raatz, Deputy Director of Council Services
Richard Mitchell, Legislative Attorney
Shelly Espeleta, Supervising Legislative Analyst
Laksmi Abraham, Legislative Analyst
Pauline Martins, Committee Secretary
Stacey Vinoray, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk
Nalani Fujihara, Hawaiian Language Communications Specialist

James Krueger, Deputy County Clerk, Office of the County Clerk

Daniel Kanahele, Council Aide, South Maui District Office
Denise Fernandez, Council Aide, Lānaʻi District Office
Mavis Oliveira-Medeiros, Council Aide, East Maui District Office
Roxanne Morita, Council Aide, Lānaʻi District Office
Zhantell Lindo, Council Aide, Molokaʻi District Office

Angela Lucero, Executive Assistant to Councilmember Paltin
Christian Balagso, 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

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Kate Griffiths, Executive Assistant to Councilmember Johnson
Lois Whitney, Executive Assistant to Councilmember Kama
Sarah Sexton, Executive Assistant to Councilmember King
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Keola Whittaker, Deputy Corporation Counsel, Department of the
Corporation Counsel
Moana M. Lutey, Corporation Counsel, Department of the Corporation
Counsel
Guy Hironaka, Real Property Management Specialist, Department of
Finance

OTHERS: Lucienne deNaie
Leslee Matthews
Faith Chase
Albert Perez
Rainey Dock Matthews
Brad Sova
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . .*(gavel)*. . . The Government Relations, Ethics, and Transparency Committee meeting for Tuesday, the 1st day of November, 2022, will now come to order. The time is 9:00 a.m. I'm Mike Molina, Committee Chair, and I'm transmitting out of the Pā'ia District Office, and there are no testifiers here, and I'm accompanied by District Office Specialist Jade Rojas-Letisi. Okay, Members, before we do Committee roll call, 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. So, let's go ahead and start with Committee roll call, and let's go to our illustrious Council Chair Alice Lee. Aloha and good morning, and I'm sure you'll give us our multicultural greeting for the day. Aloha, Chair.

COUNCILMEMBER LEE: Aloha, Chair, and the greeting for today is osiyo. Osiyo is from the Cherokees, and this...this is more than saying hello. It's kind of a deep spiritual welcoming of...you know, of feelings and hospitality. So, this is very special with the Cherokee tribe and...in North Carolina. I am home alone, and have...in my workspace, looking forward to your meeting. Thank you.

CHAIR MOLINA: Okay. Mahalo, Chair, and osiyo to you. Okay, let's go out...and I know we just had Halloween last night, so I'm looking at one of my colleagues who's got a picture of wonderful pumpkins out there in West Maui. Let's check in on Member Paltin. Osiyo and aloha.

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COUNCILMEMBER PALTIN: Osiyo...osiyo and aloha kakahiaka kākou. Broadcasting live and direct from historic Lāhainā Town. And I have with me Angela Lucero and Christian Balagso. And we have nobody waiting to testify at the District Office at this time. Thank you.

CHAIR MOLINA: Okay. Mahalo, Member Paltin. Okay, let's go across the pond over to Lānaʻi and check in on Lānaʻi representative Councilmember Gabe Johnson. Osiyo and aloha.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, Committee Members. Osiyo to all of you. There's no testifiers at the Lānaʻi District Office, and I am alone in my workspace. Mahalo.

CHAIR MOLINA: Mahalo, Member Johnson. And let's go out to East Maui and check in on Councilmember Sinenci. Osiyo and aloha.

COUNCILMEMBER SINENCI: Yeah, aloha, Chair, and osiyo. Happy to join everybody this morning from East Maui, our Hāna District Office. I'm here with Staff Members Mavis Medeiros and Dawn Lono, and currently there are no testifiers.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. Okay, and just walking into the room up there in beautiful jacaranda country, we have Upcountry Councilmember Yuki Lei Sugimura. Osiyo and aloha.

COUNCILMEMBER SINENCI: Hello, everyone, and happy first day of November. Here we go with all of the holidays. Looking forward to a productive meeting. Thanks, Chair.

CHAIR MOLINA: Okay. Mahalo, Member Sugimura. And let's find out how the neighborhood is doing out in Central Maui. Good morning, osiyo and aloha, Councilmember Kama. Member Kama, I think you're muted. Member Kama, if you can unmute. There you go.

COUNCILMEMBER KAMA: Can you hear me now Chair?

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

COUNCILMEMBER KAMA: Okay, thank you. Aloha kakahiaka to you, Chair, and osiyo to all my colleagues. I am here in my workspace in my home, and I have my EA Davideane Sickels with me.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. And Member King is running a little bit late, and also, Vice-Chair...Committee Vice-Chair Rawlins-Fernandez will be in shortly as well. Other folks joining us for our event today...or our meeting today is from the Department of Finance, Guy Hironaka, Real Property Management Specialist. And from the County Clerk's Office, County Clerk Kathy Kaohu and Deputy County Clerk James Krueger. And from Corporation Counsel, Corporation Counsel Moana

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Lutey, as well as Deputy Corporation Counsel Keola Whittaker. And, of course, our venerable hardworking Committee Staff is all part of this wonderful production this morning. Kasie Apo Takayama, Legislative Analyst; Laksmi Abraham, also Legislative Analyst; Pauline Martins, Committee Secretary; and Traci Fujita, Director of OCS will be here as well for one of our items; as well as David Raatz, Deputy Director; and Richard Mitchell, Legislative Attorney, will be here as well; and Jean Pokipala, Council Services Assistant Clerk; and Lei Dinneen, Council Services Assistant Clerk. So, Members, get ready for a very full, but hopefully productive day today. And joining us right now is our Committee Vice-Chair, all the way from Moloka'i, aloha and osiyo, 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, alone on my side of the office, and we have our Community Outreach Specialist Zhantell Lindo and a minor in...on the other side of the office. And I believe we have no testifiers here at the Moloka'i District Office. Mahalo, Chair.

CHAIR MOLINA: Okay, mahalo. And also, joining us on the call now, we have Councilmember King. Aloha and osiyo to you, Councilmember King.

COUNCILMEMBER KING: Aloha...osiyo, is that the greeting of the day? Okay. And aloha kakahiaka, Chair. Sorry to be a little late this morning. We have no testifiers at the South Maui District Office, and I am actually transmitting from my home office. I know we were told to meet virtually this week because of elections coming up. I have nobody in the room with me at this moment. I'll let you know if somebody comes in.

CHAIR MOLINA: All right. Mahalo, Member King. And thanks for bringing it up as we go over the testimony rules for today. The live testimony, which is normally held in the Council Chambers, has now been moved to the ninth floor in the Mayor's Conference Room, due to the reasons, as you have mentioned, Member King, because of the election coming up, and the Council Chambers are being used for that purpose, to tabulate votes, and all of that stuff that go with elections. Oral testimony by phone or video will be accepted today. Also, please note that if you are signed in, you are on the list to testify, even if you did not request to testify. So, please be aware of that to those testifying today. And please let our Staff know in chat if you are signed on and do not intend to testify. Now, in accordance with our 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, otherwise, Staff will assume that testifiers will testify at the beginning of the meeting. Now, those of you testifying wanting...and wanting to provide video or audio testimony, you can join the online meeting via the BlueJeans link or phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. And oral testimony will be limited to three minutes per item,

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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 as well, to give you a little warning that your time is nearing its end for testimony. Now, unless you want to testify anonymously, please clearly identify yourself, meaning your name, organization, and any items you would like to testify on in the chat. And we ask that you state your full name, but if you prefer to testify anonymously, Staff will identify and refer to you as Testifier, and assign you a number. Okay, so, please also indicate the agenda item or items you are testifying on, and please do not use the chat as far as...for purposes for discussion and comments, that should not be used, okay. So, please be courteous, and also, turn off your video and muting your microphone while waiting for your turn to testify. And once you are done testifying, or if you do not wish to testify, you can also view the meeting on good ole *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. And I presume our Facebook Live is good for today. We've been having a little...*Akakū* has been having some difficulties with Facebook Live lately, but I assume it's okay. All right. With that mouthful, Members, we're going to go ahead and begin with public testimony. I guess our first item today is GREAT Item 56, which is Resolution 22-117, Relating to Amending Resolution 18-210 and Authorizing the Disposition of Approximately 33.373 Acres of County Real Property. Staff, do we have any testifiers for this first item?

MS. ABRAHAM: Good morning, Chair. Yes, we do have testifiers.

CHAIR MOLINA: Okay, please proceed.

MS. ABRAHAM: Our first testifier is Lucienne deNaie, to be followed by Leslee Matthews.

CHAIR MOLINA: Good morning, Ms. deNaie.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. DENAIE: Good morning, Council, Committee, the GREAT...the GREAT...the greatest Committee. You guys have some important items before you today. I would like to testify on two of them, and appreciate the opportunity to testify at the beginning of the meeting. I am Lucienne deNaie, I am testifying on my own behalf. The first is the item concerning the amendment to the budget to authorize...or excuse me, the amendment to the resolution authorizing the disposition of the 33 acres of property in Launiupoko so that we can move forward with the Lāhainā bypass. I just want to say I'm in support of us making this decision. These lands were bought with open space funds, but I think if we're going to...as we're going to see, as we proceed in the years, that open space is often a very, very good investment because, as projects develop, there are other very useful public purposes that open space can assume. Of course, if things are in extremely sensitive areas, they should remain open space, and not be, you know, taken over for another purpose. But in this case, the County bought a lot of land. They went back and forth, and in the end got a fairly good price for it, and probably saving the State some money by the fact that the County purchased the land long ago. And so, just want to thank you all. Some of you were on the Council then when those decisions

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were made, and they were good decisions, and in general, purchasing open space gives the County options. Because as we all know, the County does not own very much of Maui, and yet, the County has public purposes that they need land for. So, thanks for your consideration of that item. And moving on to item --

CHAIR MOLINA: Hang on, Ms. deNaie. Let me ask the Members if they have any questions regarding to --

MS. DENAIE: Oh, I'm sorry. Yes. Good idea.

CHAIR MOLINA: Members, any questions regarding Ms. deNaie's testimony on GREAT Item 56? Okay, we have one from Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. deNaie, for your testimony. I just was wondering if you've been to the area recently and seen the state of the lands currently.

MS. DENAIE: I have not been there for a few years. When I last visited the lands, well, they weren't in really good shape. They had a lot of abandoned trash from the plantations and so forth, and lot of erosion problems, I have to say, at the, you know, drainage ravines, the kahawai. And, you know, that's why, at the time, I supported Councilmember White and Councilmember Elle Cochran saying, you know, the price should be a little bit lower here. And I believe the County did negotiate a bit of a lower price because the land was not prime land, especially above the highway there, yeah.

COUNCILMEMBER PALTIN: It's my understanding this is different lands than that purchase.

MS. DENAIE: Really? Oh, huh. I thought it was part of those upper lands, and it was kind of planned that the bypass would go in there. And that was one of the reasons, one of the rationales, for those upper lands.

COUNCILMEMBER PALTIN: That's why we recessed it...or deferred it last meeting, to try and get exactly what lands these were.

MS. DENAIE: Ah-hah.

COUNCILMEMBER PALTIN: And some emails...but, okay.

MS. DENAIE: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair.

MS. DENAIE: Well, I'm sorry. I didn't check out the map. I just assumed like, yeah, the time has come to make that transfer. But thank you for doing your due diligence. Definitely, we want the route in a place where it's going to make sense ecologically, as well as

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practically.

CHAIR MOLINA: Okay. All right. Thank you very much, Member Paltin. Members, any other questions for Ms. deNaie as it relates to GREAT Item 56? Okay, seeing none. Okay, Ms. deNaie, please proceed with your testimony for our next agenda item.

MS. DENAIE: The next agenda item I would like to offer testimony on is 22-230, or GREAT-6(4). This is a very important topic. In fact, I'm surprised there aren't more people signed into this meeting. Because these rules, that got kind of changed, I think the Council agrees that the change isn't really benefitting hardly anything. It's making it very, very difficult for the Staff to figure out who is supposed to testify when. It's taking up a lot of the public's time to have to actually wait until an item is called, and that...not have the option to testify--if you have many things to do that day--to testify at the beginning, and then move on with your day. And for the Council, I think it's just caused confusion. I guess the plus side is, is that when you are about to consider an item, you do hear the testimony that pertains to that item, and it's fresh in your mind. However, having served on a few boards and commissions that took extensive testimony, I took notes, and I think all of you do too. And so, when you heard something worthwhile about a particular item, you just took a little note, and when you got to that item, you referred back to your note. So, it's probably not the end of the world if people testify first. It's not like all of their testimony will be lost. So, I strongly support giving this option back, and the...if people do want to wait and check in at the time of the actual item being called, you know, that certainly is acceptable, but it really should be not that's the only option. And also, the allowance for the Chair to determine the end time for Council meetings. I think that's absolutely, you know, essential. I know you folks all work things out by consensus, figuring out who needs to leave when, and when quorum can be achieved. But obviously, chairing many different organizations, as I have in the past, it's like--and I'm currently Chair of a board and commission--you want to really have that option to try to have one person check in, and then make a decision. So, that makes sense to me. And this Council especially, the Committee Chairs and the Council Chairs are very, very good about, you know, looking for consensus among their members, you know, it's a very respectful dialogue. And then a time limit on clarifying questions of testifiers, you know, that's probably a really good idea. We all have things we want to say when we're in a position of serving on a Council or a board or commission, but in essence, we need to once again try to find that balance of respect, and get the people's business done. And the amendment to Council meetings submitted in writing, well, that's a tough one because sometimes things really need to get hashed out, you know, in the fire. So...but I trust you guys' wisdom. You're going to discuss all of this, and I'm glad that this is coming up, these proposed amendments. Thank you.

CHAIR MOLINA: Okay. Mahalo, Ms. deNaie, for your testimony. Members, any questions for Ms. deNaie to clarify her testimony? Seeing none. Thank you very much, Lucienne. All right, Staff, please continue with announcing our next testifiers.

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MS. APO TAKAYAMA: Chair, the next testifier is Leslee Matthews, testifying on GREAT-11(22).

CHAIR MOLINA: Okay. Good morning, Ms. Matthews. Sorry, Ms. Matthews, we're having a problem hearing you. Looks like you're unmuted on your side. Staff, have we got Ms. Matthews unmuted?

MS. APO TAKAYAMA : Chair, yes. She appears to be unmuted on both our end and hers.

CHAIR MOLINA: Okay. Ms. Matthews, could you go ahead with your testimony so we can hear from you. I wonder if maybe turning off your video might help with your audio.

MS. L. MATTHEWS: Are you able to hear me now?

CHAIR MOLINA: Oh, we can hear you now. Okay, you're good. Go ahead.

MS. L. MATTHEWS: All right. Okay. Good morning, everyone. I'm in strong opposition to any settlement with the person who's harmed a number of women in this County. I wasn't able to testify when it was on the agenda at the Council. I've testified at every other meeting. I'm ready to stop testifying about this, and be done with this, and let it go to a jury trial...or a trial, whether it's jury or bench, I'm not sure. I think it's scheduled for a trial on November 28th in Federal Court. You know, I was reading the order that the judge issued in regards to the Plaintiff's Motion for Summary Judgment, and something that stood out to me says that...where is it...the County said that...contends that the former prosecutor--I try not to say his name--but that the former prosecutor was an at-will employee, and was not entitled to due process, and he was provided with an opportunity to receive and investigate said report. Neither argument changes the calculus. First...and the judge noted that the County conceded--which means agreed with--the fact that he had a right to some form of due process. I want to read it exactly. Basically they said that he was not given an opportunity to effectively respond to the allegations made against him, many of which were not mentioned in the report, and could not have been anticipated. Therefore, they granted his motion. Oh, this is the part I wanted to note. First, with respect to the County's own motion for summary judgment, the defendants, the County, conceded that the plaintiff had established a liberty and property interest in his employment. Somebody needs to ask Corporation Counsel why they did that. I think that that has a big reason in why the judge says that the only issue is damages--how much we're going to pay the abuser of women and other people that he abused--why we're going to pay him a dime. Because the County conceded that he had this property interest in his job, which they routinely said during the meetings, that he did not. And so, to this issue that the court brings up about him not being able to effectively respond, in *The Maui News*, he said, I want to have a public meeting. I want to discuss this out in the public. Numerous times, Members of this Council asked him, do you want to go into executive session? Do you want to go into executive session? I believe his desire not to go into executive session was to try to silence me and other women that shared our stories. The Sunshine Law provides us an opportunity to testify. I think silencing us would be

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again...we have a right to redress our grievances before Government, which is our First Amendment right. This idea that he didn't have an opportunity to effectively counter the arguments, or the allegations that were made against him by credible women, is just insane. It's not correct. And it's him saying, I want to have this in public, but oh, dang, my business is in public, now I'm mad about it, and now I want the County to pay me because I was hurt by it. And I just think that that is really bad, but I just want somebody to please ask Corp. Counsel why we made this concession in the first place? And I also...I always end on this...so, that's my big issue, like a legal issue. And then this issue that he asked us to have this in public and is mad about it. But to the women that are--and I'm about to go to court to represent one of my clients--your life will go on, your life is worth living. I started my law firm, Speak Out & Up Law, and our principal duty is to end violence against women and girls in my lifetime. To say that I just want a reduction is saying that I'm okay with some women being violated by their abusers. I talk to my clients, and I tell them, I'm not asking you to do anything I wouldn't do. I met with a young girl a couple weeks ago to have her...to prepare her for testimony. This Council can make a difference by saying we speak out against violence against women and girls to give this little child...that somebody's protecting her, and that's why we keep doing this work. I wake up every day, go to court, go to community meetings, speak here, keep talking about the things that happened. Because change can happen, and it can happen with you all. And the last thing I want to know is, whatever happened to the employee working group that I was promised by the Administration would happen to address violence against women and girls? When is the last meeting? Was it when...before I left the County? When is the next meeting going to be, and when are we going to get real about addressing violence against women and girls. We could have filed this...this resolution on the same day that the County had a resolution about domestic violence awareness to send a very strong message of how the County deals with violence against women. I hope we file it again today and, you know, see you in court on November 28th.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Matthews. Members, any need to clarify Ms. Matthews' testimony? Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Ms. Matthews. Thank you for being here, and for being a strong advocate. I have...I think you've already answered my question, but I was going to ask you, have you been contacted to be a...to testify at the trial, should it go to court. It sounds like you have?

MS. L. MATTHEWS: I've never...I have not been contacted about this issue directly since I left the County. Again, I found out about this being on the agenda through the coconut wireless. Thank you to our future State Representative, Elle Cochran, for letting me know. We just have to keep ourselves informed. We have not been kept informed. And I say this with a lot of love, but I think that our situations were...we had to publicly share our stories, and I feel used. Like we were used, our stories were used, to get rid of a problematic person, and once that was done, that was it. So, no, I have not been contacted about, you know, anything further.

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COUNCILMEMBER KING: Okay. Okay, thank you. Thanks for being here.

CHAIR MOLINA: Thank you, Member King. Members, any other need to clarify Ms. Matthews' testimony? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Matthews, for your testimony. I was wondering, when you said that Corporation Counsel made a mistake by conceding...that's right, yeah...can...is there anything that can be done about the mistake, or they just...like can they unconcede [sic] formally in court, or it would just be like yeah, we made a mistake?

MS. L. MATTHEWS: Well, at one of the meetings, Corporation Counsel Lutey talked about she takes...makes these decisions frequently. Sometimes they weigh in the County's favor, and sometimes they do not. This unequivocally did not weigh in the County's favor, and will likely end up costing taxpayer dollars to remedy this mistake. But I think in one of the judges' orders, they said that the County did try to go back and say...make some type of argument about his position with the County. And the court called that out, saying you can't go back and then unconcede [sic] an issue that you've already conceded, and it's...it's in the documents there. So, you know, that was...and I get it, you know, as attorneys, we make, you know, these types of calls a lot, but this just wasn't a good call to make, to concede what he said numerous times, that his due process rights were being violated. I just can't wrap my mind around the fact, why we would agree with him that his, you know, due process rights were being violated. I would like to know why we made that concession. And this will cost us money, and we won't know how much it...you all will know, but we won't know how much it will cost us because he's asked that the settlement amount, in terms of the settlement, be sealed, or not made public. So, that's another reason why I'm against settlement. But I don't think that at this point they can go back and unconcede [sic] because the judge has already narrowed the issue to damages, which is how much he'll be paid.

COUNCILMEMBER PALTIN: And to clarify, even if...so it can never be unconceded [sic]. Like what if they appeal the whole thing, or is there any chances on like...what if there's a new Corp. Counsel eventually, and then like a same situation comes up, and then they go the other way?

MS. L. MATTHEWS: I mean, that would be a good question for Corp. Counsel to...I don't know whether or not they can unconcede [sic] it or take it up. You know, perhaps they...I'm not sure if they, you know, could appeal it, or whatnot. I've spoken to some folks just to write friends of the court briefs and amicus briefs to help the court understand the Sunshine Law, and why we had to have these meetings in public. Because I think that the court missed that issue, you know, why we couldn't just have people, you know, testify in secret. I might have liked that option, but we didn't have that option to testify in secret. So, I think that the court...but I would like to know why did they concede this issue, and how much is it going to cost. You all may be able to find that out, we won't.

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But it just was a major faux pas, and it's one of the first things that is listed in the court's...the title of the document is Order Granting the Plaintiff's Motion for Partial Summary Judgment that was filed in U.S. District Court for the District of Hawai'i on June 25th of this year, document number 56. And it's in...you know, just an introduction that they brought that issue out.

COUNCILMEMBER PALTIN: Okay. Thank you. I don't understand their process, and they don't understand our process.

CHAIR MOLINA: All right. Thank you very much, Member Paltin. Okay, Members any other need to clarify Ms. Matthews' testimony? Seeing none. Thank you very much for your testimony, Ms. Matthews.

MS. L. MATTHEWS: Thank you. Have a great day.

CHAIR MOLINA: Thank you. You too. All right, Staff please continue and announcing our next testifiers. And just for the record, how many testifiers do we have waiting?

MS. ABRAHAM: Chair, we have three testifiers waiting.

CHAIR MOLINA: Okay. Thank you for that clarification. Please go ahead and announce our next testifiers.

MS. ABRAHAM: Our next testifier is Faith Chase, to be followed by Albert Perez.

CHAIR MOLINA: Okay, Faith Chase, are you there?

MS. CHASE: Good morning, Chair.

CHAIR MOLINA: Good morning, Ms. Chase. Please proceed.

MS. CHASE: Good morning. Thank you. Good morning, GREAT Committee. This issue that the previous testifier--forgive me I don't have the number in front of me--but I...I...just make a wise decision in respect to all the other women that will come after...into the future. I sadly had to witness...it was a...I don't know all the details, I have listened to the testifier, Ms. Matthews, testify before. It brought me to tears. My own personal experiences of witnessing the behavior of this man...it was pretty frightening. It was during the 2018 year, and it's just the explosive...it's just unacceptable. And I think...I really agree with the previous testifier, Ms. Matthews, in setting that precedence. I have three daughters. If any of them become interested in working in the County, or in this scope...in this landscape of civic...you know, civic participation, I don't feel like there are...I don't feel like there's a strong foundation that I would want to encourage them. I see misogyny, I see attitudes, I know I've said it in my other previous testimony about the last two mayors we've had, it really...we really need to correct some attitudes. And I was talking to a friend recently about...I remember one of the Charter amendments

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that didn't make it to the ballot was like number ten that they were chewing on, the Charter Commission, was like basically the golden rule. And I was like, all right, if you got to put it on the ballot, so be it. But like, wow, that's where we're at, that basic decency has to be spelled out. So, I just would...just...I'm just going to give you all the blessings in the world that you can make wise decisions in that area, and it's very sensitive. The one that I really wanted to speak on was the Charter amendment...I mean the...testifying, I think it's letter (e), if I remember correctly...having to require writing...the amendments in writing, that kind of makes me nervous. I can't remember how Auntie Lucienne put it, but, you know, to me, that would be really restrictive. So, I would...I would...while I've seen the pros and the cons on issues that are important to me, that being so like last minute amendments, I don't know what that timeline is about it being in writing. Like does it have to be on...you know, so many weeks before the meeting, or published, and all that kind of thing. That kind of spooks me. You do need to have that wiggle room to make amendments, and that's all. Thank you very much.

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

MS. CHASE: A hui hou.

CHAIR MOLINA: A hui hou. Okay, Staff, please continue with announcing our next testifiers.

MS. ABRAHAM: Our next testifier is Albert Perez, to be followed by Rainey Dock Matthews.

CHAIR MOLINA: Good morning, Mr. Perez.

MR. PEREZ: Good morning, Chair. Good morning, Councilmembers. Albert Perez with Maui Tomorrow, and I'm testifying on Resolution 22-230, Changes to the Council Rules. I really appreciate the proposed amendment that would allow for testimony at the beginning of the meeting and before each category. But I think the word should be changed from "and" to "or." Because I think that it might...it could be seen as requiring a presiding officer to allow people to testify on an item at the beginning and when the item comes up, so it should be changed to or to make clear that a testifier can testify once on each item at a time of their choice. And so, I've testified previously about the benefits, so people can choose to testify early if they cannot stay all day, or wait for the presentation on an item before testifying. As far as the other changes being proposed, I definitely support the allowance for the Chair to determine the end time for Council meetings. Meetings that go until 10:00 at night or later reduce public participation in the process. As far as an allowance for each presiding officer to determine time limits, I don't support this. It's hard enough to condense your testimony down to three minutes. Perhaps if there's an extreme need, less than three minutes could be allowed, but it should be by Committee vote instead of just being left up to the presiding officer. And as far as requiring amendments to be submitted in writing, I don't support that. The Council and the Committees need flexibility during discussion. Otherwise, the other

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amendments seem reasonable. So, thank you for proposing these changes.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Perez. Members, any need to clarify Mr. Perez's testimony? Seeing none. Thank you very much, Albert. I appreciate your testimony.

MR. PEREZ: Aloha.

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

MS. ABRAHAM: Our next testifier is Rainey Dock Matthews.

CHAIR MOLINA: Okay. Aloha, Ms. Matthews. Please proceed with your testimony. Rainey Matthews, if you're on the call, this is your time...

MS. R. MATTHEWS: Okay, can you hear me?

CHAIR MOLINA: There you go.

MS. R. MATTHEWS: Okay.

CHAIR MOLINA: Aloha, we can hear you fine. Please proceed.

MS. R. MATTHEWS: Aloha. Okay. Aloha, Chair and GREAT Committee. My name is Rainey Dock Matthews, and I am testifying that I am in opposition to Resolution 22-36 regarding the settlement. You all that know me may think that I have a bias, in that my daughter was one of the ones that was victimized by the former lead prosecutor. Yes, I do have that bias. However, I am a strong advocate against any type of violence against women, any type of...anything along that nature, and other issues that I have strong advocacy for. In my last testimony, I shared that the definition with regards to settlement...this time I'm going to share a different part of a definition, and it says, a state of stability or permanence. So, in my understanding of what is being discussed here, and what is before us, is that if a settlement is reached, I am wondering what stability will be produced for the victims of the former lead prosecutor's actions. And then the other thing I would like to ask, with regards to him vehemently trying to get a settlement, a monetary settlement, my question would be, has the former lead prosecutor attempted to settle with the victims in writing, or any other manner, an apology for what he did. And it's not alleged, it was...I mean it is what he did. It appears that the concern is in the mechanics, rather than in humanity. And to me, a settlement would say that the County, the GREAT Committee, that you are more interested in the mechanics, rather than humanity. I heard my daughter earlier ask...state that with regards to a Committee that was supposed to be...or a task force that was supposed to be formed to address these issues, I-- . . .*(timer sounds)*. . . I hear the bell--I recall, and I watched my daughter so anxiously looking forward to some type of coming together, some type of policies being formed, and just a moving on so that she and the other

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victims could be unstuck. But unfortunately, the County, the Mayor's Office, whomever, decided to settle, and not take this on. I thank you for your time, and I welcome any questions, no matter how personal they may be because this is very personal to me. Thank you.

CHAIR MOLINA: Thank you very much for your testimony, Ms. Matthews. Committee Members, any need to clarify Ms. Matthews' testimony? Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Ms. Matthews. I'm sorry I didn't ask this of your daughter, but when you brought up the Committee, the task force that was supposed to be meeting, do you know if that was supposed to be promulgated by the Council, or by the Administration?

MS. R. MATTHEWS: My understanding, and what I believe it was, was to be by the Administration. Because the Mayor, when he was asked on the...I think it was the GREAT Committee some time ago...when he was asked, was this task force going to be done? He vehemently and adamantly said, yes. My office will be on that.

COUNCILMEMBER KING: Okay. And you haven't had...they haven't had a meeting yet?

MS. R. MATTHEWS: They had one sort of...some type of meeting, but it was not necessarily what was agreed upon. I think it was just a general violence in the workplace, not what was stated as it pertains to, again, the violence against women. And yes, it was the Administration that had said they would do it.

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

CHAIR MOLINA: Okay. Thank you very much, Member King. And Ms. Matthews, just for further clarification on that question. So, to your knowledge, there was just one meeting, and there was no follow up or anything like that, any recommendations out of that one meeting that you are aware of?

MS. R. MATTHEWS: Not that...not that I am aware of. And again, I was very vested in this, and as much information as could be shared with me, I...I believe that the answer to...your answer is correct. There was no follow up. There was nothing to...no plan, nothing else. And if I may add on to that, which let the...to me, the persons or people, women that were victimized, in a precarious situation, in that it appeared that the Administration did not have their back.

CHAIR MOLINA: Okay. All right. Thank you very much for your comments, Ms. Matthews. What I'll do as Committee Chair is ask...make an inquiry to find out what...get an update basically on what happened to this Committee that was, I guess, formed, that apparently had only one meeting, and get an update for you and the rest of the public. Thank you.

MS. R. MATTHEWS: Thank you.

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CHAIR MOLINA: All right, Members, any other need to clarify Ms. Matthews' testimony? Seeing none. Thank you very much for your testimony, Ms. Matthews.

MS. R. MATTHEWS: And thank you.

CHAIR MOLINA: Thank you. All right, Staff, please continue with announcing our next testifiers, if we have any.

MS. ABRAHAM: Chair, we have no other testifiers signed up at this time.

CHAIR MOLINA: Okay. Thank you very much.

CHAIR MOLINA: Members, we'll go ahead and start with our first Committee item, and we'll get a...I guess, a brief overview of it, and then we'll see if there are any other testifiers for GREAT-56, and then close it if there are no testifiers. So, we'll proceed in that fashion if there are no objections. Okay.

**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: All right, Members, speaking of which, GREAT Item 56 again relates to the disposition of approximately 33.73 [sic] acres of County real property out in Launiupoko, GREAT Item 56. The Chair would like to recognize...I guess our Administration will be giving us an overview of that. I believe we have Mr. Hironaka to give us an overview of this proposal. Mr. Hironaka, if you're there. Good morning.

MR. HIRONAKA: Good morning, Chair Molina. Okay, so, this was part of the parcel that we bought. So, you know, at the time the bypass was not built, so the price...to deflect what the State had initially planned to build, so the price was discounted already. However, after the bypass was built, we discovered that they had taken more land than initially planned, and they did not give us the correct map. So, therefore, we had to come back to rectify that so that we could have the correct map and area placed on the quit claim deed.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hironaka. Members, just let me conclude and add more specifics to this item. Resolution 22-117's purpose, again, is to amend Resolution 18-210, and approve the disposition of the said property as shown in Exhibits A-1 and A-2, conditioned upon the County's receipt of payment by the State of Hawai'i in the amount of \$1,251,798 for the additional area used for the Lāhainā bypass, in accordance with Section 3.44.020 of the Maui County Code. So, at this point, I will take clarifying questions first on Mr. Hironaka's comments, and then we will see if we have any other testifiers before we decide to close testimony on this item. So, clarifying

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questions first on Mr. Hironaka's opening comments. Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Hironaka. So, just to clarify, the property that we're talking about is already being used by the State, and so what we're trying to do is collect some back payment, it sounds like?

MR. HIRONAKA: That is correct. What happened was initially when they acquired the property, the design had X amount of acres for the bypass. However, as the State built the bypass, they took more land. When they finished the final survey, they came to us, and they said oh, we now need 33 acres. The Council, at the time of the disposition, said you took more than what you had initially planned. And so, we then requested that the State compensate the County because the property was already discounted for the area that the State had initially said they would take.

COUNCILMEMBER KING: Okay.

MR. HIRONAKA: So, the \$1,000,000 is for the additional land. However, what happened was that we were given the wrong map. You know, there were multiple maps going out, so the wrong map was attached to the quit claim deed that the Council previously approved. So, now we need to come back and get the Council to approve the correct map and the correct area.

COUNCILMEMBER KING: Okay. So, you're going to share that map with us?

MR. HIRONAKA: It's already attached to the --

COUNCILMEMBER KING: Attached to the resolution?

MR. HIRONAKA: Right, to the resolution.

COUNCILMEMBER KING: Oh, okay. Great. Okay, thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member King. Any other clarifying questions for Mr. Hironaka at this time? Okay, seeing none. Staff, do we have anyone signed up to testify on GREAT Item 56?

MS. ABRAHAM: Chair, there is no one signed up at this time.

CHAIR MOLINA: Okay, Members, if there are no objections, Chair will close public testimony on GREAT Item 56. Any objections?

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM 56 . . .

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CHAIR MOLINA: Okay, so ordered. All right, Members, let's continue with our line of questions here for Administration, and if you need also, Corp. Counsel is available to answer that...answer any questions related to that as well. Members, you'll be on a clock, again, trying to keep track of our time. We've got a 1:30 meeting, and we have a couple of other items that I'm sure will take us some time to get through. So, Staff, two minutes. And Members, if you need an additional question, Chair will grant you another minute. So...all righty. Let me ask the area representative, Member Paltin, first, if you have any questions for Administration or Corporation Counsel.

COUNCILMEMBER PALTIN: Thank you, Chair. I haven't been able to pull up the map that's posted to Granicus, but I did get some maps that Mr. Whittaker had previously sent me. And from what I see, it bisect...or not bisects, but the line runs through the plumeria area, and then it also runs through the, I guess, encampment at the southern triangle of the...or the triangle at the southern terminus. You know, I haven't done outreach to the community, but the community has definitely let me know loud and clear that they find all of that in the bushes unacceptable, and I'm not saying...I'm not advocating for a sweep, I'm just advocating. I remember in our first term, we came down hard on a family home in Lānaʻi for operating as a junkyard, to the point where that house got foreclosed on. And the County is treating their own lands this way, and then we're going to hand a portion of it off to the State, and I don't hear anything from the Administration on how they intend to address what's going on there. I've heard they're not for managed encampments on County land, and so, what we have instead is unmanaged encampments on County land, full of abandoned vehicles, rubbish, unsafe living conditions...and I just feel the need to speak up and let folks know the...what I'm hearing from my community. They would like that area addressed. If we're going to hand off a portion of it to the State, then there better be some very good coordination with the State and the County to address that area. Because otherwise, we're full-on hypocrites for coming down on that one property on Lānaʻi that was full with abandoned vehicles, or junkyard vehicles, and not doing the same to our own self, and property that we own, that's full of abandoned vehicles and waste. Sorry, marriage people. But, you know, it needs to be addressed because every day, our office gets complaints about that area. What is the County doing? How is it going to be addressed? And it's not to say that there needs to be a sweep, it's just saying that it needs to be addressed. . . .*(timer sounds)*. . .

CHAIR MOLINA: Okay, all right. Thank you very much, Member Paltin, points well taken. And I can hear you're having some other distractions in your district office there right now. So, thanks for holding the line there. All right, let's go to Vice-Chair Rawlins-Fernandez, and go down the line and see if anyone has questions. Committee Vice-Chair Rawlins-Fernandez, any questions for Administration?

VICE-CHAIR RAWLINS-FERNANDEZ: No questions at this time. Thank you.

CHAIR MOLINA: Okay. Thank you. Chair Lee, any questions at this time for Administration?

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COUNCILMEMBER LEE: Perhaps we could get clarification from the Administration on maybe they started to address this issue, and maybe we can get an answer from them?

CHAIR MOLINA: Okay, good point. Mr. Hironaka, or...and I don't know if Corporation Counsel would like to chime in. In response to the concerns expressed by Member Paltin, can you provide us any updates? Mr. Hironaka, there you go.

MR. HIRONAKA: Chair, I would defer this to Corporation Counsel because it's actually managed by Parks.

CHAIR MOLINA: Okay. I see Mr. Whittaker, if you'd like to share your mana'o on this. Please go ahead.

MR. WHITTAKER: Sure. I can give you as much information as I have. But Guy is right, that it's...you know, Parks would be the right entity to ask. So, there's two issues that Councilmember Paltin brought up. The first is the plumeria farm. The person that's operating that has been operating it for a while, and is doing so without property rights. We've tried to work with him, to give him a grant for a portion of the property that the County owns. That...for some reason, that didn't end up happening. I think couldn't get the paperwork, but there is...there has been some movement on that area. As far as the encampment, you know, that would be a combination of both Parks and Housing and Human Concerns, if you want to follow up with that. What this resolution will do, will...it will resolve any sort of vagueness as to which party controls the land. So, you know, it's just going to be a clear line about the County and the State so that the County can respond to those issues on the land that it owns and manages, so there's no ambiguity.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. Quick question, is...or Mr. Hironaka, is this time sensitive? I mean do we need to act on this today, or can it wait in light of the concerns from Member Paltin? And as the Chair, I did not anticipate the need to having a Parks Department Director or someone here today. Is this something we have to act on ASAP?

MR. HIRONAKA: I believe on the State's side, it is...because the funding may lapse. Because this has been something that they've had for over two years. It was appropriated and, you know, the DOT may...we're not sure when those funds would actually lapse, so that's something we would have to check with them. But we know that it...on their side, they would like for this to happen.

CHAIR MOLINA: Okay, thank you. All right, Members. So, I guess we have an option. If we don't have Parks here today, we could act on this if it's the will of the majority, and then get a response from Parks, assuming this matter could go to first reading. Well, anyway, that's just the Chair's thoughts initially. Let me hear from you, I guess, Vice-Chair, you have some thoughts?

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think those may be two separate issues that could be handled separately. We could take action on this item today, and then take up the concerns that Member Paltin has brought up in the Parks Committee with Member Kama, and then have that discussion there...and also, invite DHHC representatives so that we can have a fuller discussion on that issue, which is separate than...separate from this issue of securing the parcel. Mahalo, Chair.

CHAIR MOLINA: Yeah, and mahalo for that. I think that's a very good option, as well, to consider. Good. All right, Members, any other thoughts on this? Again, the option presented to us by Committee Vice-Chair is to act on this as far as addressing the time sensitivity with regards to the monies, and then take up, as a separate item in Member Kama's Committee--any concerns or support for that, Member Kama? And then you could hear out Member Paltin's concerns as it relates to the property? Your thoughts, Member Kama? If you could unmute. Member Kama, we can see you, but we can't hear you. Oh, okay, we can hear you now. Go ahead.

COUNCILMEMBER KAMA: Okay. So, I am in total support of Vice-Chair's recommendations, and I would be very supportive of bringing it forward into my Committee ASAP. So, thank you, Chair. Those are my comments.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. All right. Then with that said, then the Chair will entertain a motion to recommend adoption of Resolution 22-117...and again, with the understanding that a component of this item will be sent to Member Kama's Committee for further discussion. Okay. All right. Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: I move, but the component wouldn't be sent, it could be taken up as a Rule 7(B) for just discussion.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: All right. Motion made by Vice-Chair Rawlins Fernandez, seconded by Member King. As the movant, Vice-Chair, any other comments on the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think the concerns that Member Paltin has brought up on behalf of the community are valid concerns, and I look forward to, you know, figuring out some solutions in the HCP Committee on how to work all of that out. Aside from those issues, this separate issue of clearing up the ambiguity that was shared by Mr. Hironaka and Mr. Whittaker, I think, are important and timely, and we can get this done today. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. And it's interesting, I just got a text from a West Maui resident who have validated Member Paltin's concerns even further. The individual stated that it's a really bad situation on that parcel, and something needs to

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be done ASAP. So, hopefully, Member Kama, we can get that matter taken up in your Committee for further discussion, so...okay. Any other discussion on the motion that's on the floor, which is to adopt Resolution 22-117? Seeing none. Then Chair will call for the vote, call for a voice vote. All those in favor, signify by saying "aye" and raising your hand. Aye.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank you. The 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: ADOPTION OF RESOLUTION 22-117.

CHAIR MOLINA: Thank you very much, Members, for the discussion on that.

GREAT-11(22) LITIGATION MATTERS (RESOLUTION 22-236, RELATING TO SETTLEMENT AUTHORIZATION: DONALD S. GUZMAN V. COUNTY OF MAUI, ET AL., CIVIL 21-00202 DKW-RT)

CHAIR MOLINA: Okay, Members moving on. Let's go on to our next item on our agenda, which is GREAT Item 11(22), which is entitled, Authorizing Settlement of *Donald S. Guzman v. County of Maui, et al.*, Civil Case number 21-00202 DKW-RT. Resolution 22-236's purpose is to authorize settlement of the claim filed on April 23rd, 2021. In a correspondence dated October 24, 2022, from the County Clerk, with a letter from the Department of Corporation Counsel dated October 11, 2022, transmitting a copy of the claim. The claim alleges the plaintiff's rights to privacy and due process under the United States Constitution were violated in accordance with 42 USC at 1983, and that the plaintiff was discriminated against based on a disability in accordance with Hawai'i

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Revised Statute 378-2(a)(1)(A), so forth. The Committee may consider whether to recommend adoption of Resolution 22-236 with or without revisions, and the Committee may also consider the filing of Resolution 22-236 and other related action. And also, we may have to...Committee may have to consider executive session as well, if the Committee approves that. So, let me first call upon Ms. Lutey from Corporation Counsel to give us an overview in open session. Go ahead, Ms. Lutey. Good morning.

MS. LUTEY: Thank you, Chair. Good morning, Chair and Councilmembers. I have been ordered by the court to convey a settlement mediated demand from Magistrate Trader. Yesterday I sent you an attorney-client privileged document detailing what it is that Judge Trader is recommending as a settlement in this matter. And contrary to Ms. Matthews' prior testimony today, although the court has found liability on behalf of the County, it has not found or made an award of damages, and that's why we're here today to have that discussion. If this body has questions for me related to that specific demand from the Judge, it will need to take place in executive session because it is protected under Rule 408 of the Federal Rules of Procedure, and also, the court's order. But we are currently scheduled to go to trial, it is a jury trial, starting November 28th in the USDC Court in front of Judge Watson. I'm available for questions in open session.

CHAIR MOLINA: Okay. Thank you very much for that overview, Corporation Counsel Lutey. Members, any clarifying questions for Ms. Lutey before we make the decision to close public testimony on this item...any clarifying questions? Okay, Member Paltin.

COUNCILMEMBER PALTIN: I just got to know, you said the guy's name...the guy that recommended the settlement amount, his name is Judge Trader?

MS. LUTEY: Yes. Rom Trader, T-R-A-D-E-R, not T-R-A-I-T-O-R, yeah.

COUNCILMEMBER PALTIN: Okay. And then the Judge Watson, that's the one that ruled in Mr. Guzman's favor for the other one...the other case?

MS. LUTEY: Right. So, the way it works in Federal court is that the Magistrate Judges handle discovery issues and nondispositive motions. So, any dispositive motions, like a motion for summary judgment, would go to the Article 3 judge, which is Judge Watson, and he is our trial judge.

COUNCILMEMBER PALTIN: And can you say that in English for me?

MS. LUTEY: Right. So, Judge Watson is our trial judge, and he is the person that issued the order on the liability issue on our summary judgment motions.

COUNCILMEMBER PALTIN: But it's a jury trial, so he wouldn't be making the decision, or he could overturn what the jury's decision is?

MS. LUTEY: No. It would be decided by a jury that we would obviously take part in selecting.

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COUNCILMEMBER PALTIN: Okay. I think I got that. What was the dispositive part, I didn't understand that at all.

MS. LUTEY: A dispositive motion is one where if it's granted, it could dispose of the case. That's probably the best way for me to explain it. So, a motion for summary judgment, I initially filed one, and that disposed of two of the plaintiff's claims. And then the plaintiff filed his motion for summary judgment, and that disposed of the liability issue. And so now, what's remaining is the damages issue.

COUNCILMEMBER PALTIN: Okay. I can marinate on that. Thank you.

MS. LUTEY: You're welcome.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Before I recognize Vice-Chair Rawlins-Fernandez, just a follow-up question. If this matter proceeds to a jury trial--I don't know if you can answer this in open session--is it the County's intent that we'll have to look at hiring special counsel for this?

MS. LUTEY: No. This matter will be handled in-house by myself and Ms. Kawasaki Lu.

CHAIR MOLINA: Okay. Thank you very much. Okay, Vice-Chair Rawlins-Fernandez, clarifying questions for Corporation Counsel. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, in testimony, I agree, you know, that it would have sent a strong public statement, you know, in the Council meeting to have, you know, October as domestic violence awareness month, a ceremonial resolution and to, you know, file any kind of...you know, this resolution as a statement. In order to have this meeting today specifically on this item, if we had filed, would we be able to have this meeting to discuss the details of this?

MS. LUTEY: The details of the complaint itself?

VICE-CHAIR RAWLINS-FERNANDEZ: Of the item. Yeah, yeah.

MS. LUTEY: Yes. We can discuss the...we can discuss the details of the complaint if you'd like.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I guess procedurally, I'll ask Mr. Mitchell. You know, procedurally, if we file, I guess we could have taken this up as a Rule 7(B), but I don't know what would have been the consequence of just filing the item at Council. That was included in testimony, so I just wanted to make clear, procedurally, we would need to handle the item if we had filed that . . . *(inaudible)*. . .

CHAIR MOLINA: Okay, let me ask Mr. Mitchell if he'd like to share his thoughts. Mr. Mitchell,

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if you're on the call, could you respond to Vice-Chair Rawlins-Fernandez's question. Good morning, and can you please proceed?

MR. MITCHELL: Thank you, Chair. Thank you, Chair Molina. I believe David is on the call, and I'm going to defer to David on the question here. Thank you.

CHAIR MOLINA: Okay. All right, thank you, Mr. Mitchell. Good morning, Mr. Raatz.

MR. RAATZ: Thank you, Chair Molina. Good morning. I'm sorry, I didn't quite understand the question, if it can be repeated, please.

CHAIR MOLINA: Vice-Chair, if you could restate your question for Mr. Raatz.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Mahalo, Mr. Raatz, for being on. So, in testimony, there was encouragement, or a comment made about the Council filing this item at...on the Council agenda instead of referring it to Committee, basically to make a statement about violence against women. Procedurally, if we had done that, and filed it at Council instead of referring it to Committee, what would have been the consequences as far as being able to have the discussion that we're having now in Committee?

MR. RAATZ: Thank you for clarifying. Yeah, I think if the Council had filed this proposed resolution before having it sent to Committee, it would have been difficult to have this discussion today. And as Corporation Counsel had mentioned, the County was ordered to convey to the Councilmembers this matter. So, this is a public venue that allows the Council to consider this matter. And if the filing had already taken place, I don't think you would have had that vehicle before the body today. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Mr. Raatz. Mahalo, Ms. Lutey. Mahalo, Chair.

CHAIR MOLINA: Okay, mahalo, Vice-Chair. All right, we have another clarifying question from Member Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Chair, so, we heard in testimony that Ms. Matthews discussed the court's order, and says that the County has to pay the plaintiff; is that correct?

MS. LUTEY: No.

COUNCILMEMBER SUGIMURA: I guess it's for...

CHAIR MOLINA: Ms. Lutey.

MS. LUTEY: That's what our trial is for. Thank you, Chair. I'm sorry. That's what our trial

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for is on November 28th. There is no order from the court granting judgment on damages.

COUNCILMEMBER SUGIMURA: Okay. So, that will be decided as...it's something that we don't have a choice of, right? It's something that we're having to do.

MS. LUTEY: Right. Yes.

COUNCILMEMBER SUGIMURA: Okay. And then I guess she also...Ms. Matthews also said that no one has contacted her. And we all know from the very beginning that, you know, she was one of those that had the claim...or she was probably the main voice.

CHAIR MOLINA: Member Sugimura, I'm sorry to interrupt, but I've been reminded by Staff about clarifying questions only from Ms. Lutey, and I know you're asking questions about testimony given. If you could hold that question until we decide to keep testimony open or not, just so we're not treading on any Sunshine Law violations here.

COUNCILMEMBER SUGIMURA: Okay. Okay, I didn't think it was, but I will respect your opinion. Thank you. Thank you.

CHAIR MOLINA: Thank you. And I'll let you ask that question again once we decide what to do with public testimony at this point. So, I saw Member Sinenci's hand with a clarifying question for Ms. Lutey. So, go ahead, Mr. Sinenci. Go ahead and ask your question, and we'll make that determination if it's appropriate to ask it now, or have it wait until we make a decision on public testimony. Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. I might hold my question for executive session, but just to clear, we are going to trial at the end of November?

MS. LUTEY: Right.

CHAIR MOLINA: Ms. Lutey.

MS. LUTEY: Right now...thank you, Chair. We are scheduled for trial that will begin the week of November 28th. But I mean obviously, if there was a settlement, that would negate the trial.

COUNCILMEMBER SINENCI: Got it. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Mr. Sinenci. All right, seeing no other request for clarifying questions for Ms. Lutey's opening statements. Staff, do we have any testifier...other testifiers for GREAT Item 11(22)?

MS. ABRAHAM: Chair, there are no other testifiers at this time.

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CHAIR MOLINA: Okay. Thank you very much. Members, if there are no objections, the Chair will close public testimony for GREAT Item 11(22). Any objections?

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM 11(22) . . .

CHAIR MOLINA: Okay, so ordered. Okay, let's continue with our line of questions. I'll go to Member Sugimura to go ahead and, I guess, re-ask your question that you had previously requested of from Ms. Lutey. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, so my...thank you very much. So, I just wanted to know from Ms. Lutey then...because we heard in public testimony that Ms. Matthews was not contacted by us, and I just wondered about that because she was a big part of this concern. Thank you.

CHAIR MOLINA: Okay, Ms. Lutey, go ahead.

MS. LUTEY: Thank you, Chair. And thank you for the question, Member Sugimura. We are not able to contact Ms. Matthews directly because she is represented by legal counsel because she asserted claims against the County.

COUNCILMEMBER SUGIMURA: Oh, okay. Oh, thanks for that clarification.

MS. LUTEY: Yeah.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any other questions in open session as it relates to GREAT Item 11(22)? Committee Vice-Chair Rawlins-Fernandez, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Lutey, regarding...okay, I don't know if we can...if you can answer this question in open session, but I'll just ask, and you just let me know if not allowed...regarding conceding the property rights.

MS. LUTEY: Thank you. I can't get too much, I guess, into my own personal thoughts on that, but what I can tell you is that the briefs in this...if you go back and look at my briefs, I think that it's really clearly laid out in terms of what was discussed there, all of the exhibits. These briefs are not tiny undertakings. There are multiple exhibits. They're very lengthy. They're very well researched. But one of the issues that always comes up in a motion for summary judgment is that you can't have an issue of material fact. And in terms of what Ms. Matthews took issue with, I think if she went back and read my brief, she would understand that I don't think the court's accurate in its order here. But in terms of whatever the concessions were, you'll see that we did...I did name that this is an at-will employment, and so forth, and provided exhibits of this Council's meetings, and highlighted all of the testimony whereby Mr. Guzman admitted, you

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know, accepting responsibility. So, to me, that's a bit of a difference of opinions, but that's something, if you want to get deeper into that, we can discuss in executive session.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Moana. Tell me if I need to ask this in executive session, but, you know, you made a statement that you didn't think the court was accurate in...but the court . . . *(timer sounds)*. . . that decision, you know, whatever the settlement was--somebody's unmuted--was what was...is that what the magistrate based the proposed settlement on?

MS. LUTEY: Chair, if I may?

CHAIR MOLINA: Go ahead, Ms. Lutey.

MS. LUTEY: Thank you, Member King. The magistrate met with both sides of this case a couple of different times. He has reviewed the orders, he has reviewed the demands, and he also gets confidential settlement letters from both sides, laying out each side's version of how this case could play out if it goes to trial. And based on the discussions that we've had with the magistrate, I believe he took everything into consideration. Part of it's the order, part of it's the cost that could arise out of trying any typical litigation case, and so forth, and then that's how he came up with the demand that I sent to all of you yesterday.

COUNCILMEMBER KING: Okay. But just to clarify that, it was also partially based on the court's...something that we think is inaccurate on the part of the court?

MS. LUTEY: Thank you, Chair. And thank you, Member King. What I'm saying is that I don't think the court ruled properly in its order. That's an issue of over whether or not we're going to appeal. In order to appeal, we'd have to go to trial, and if there's a judgment against us, then appeal it.

COUNCILMEMBER KING: Okay.

MS. LUTEY: But that is part of what the magistrate would have taken into consideration. He looks at everything.

COUNCILMEMBER KING: Okay, that's all I wanted to hear. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. All right. Thank you, Member King. Members, any other questions in open session for Corporation Counsel Lutey on this matter? Okay, seeing none...oh, sorry. Go ahead, Member Kama. Go ahead. Member Kama, we can see you...it looks like you...okay. If you can unmute. Hopefully you're not having technical difficulties.

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Please go ahead with your question. It looks like you're still having some video issues. You're being unfrozen, then frozen. Maybe, Member Kama, if you wouldn't mind withholding your question at some point once you get your video going. Oh, okay. Can you go ahead? I hear a voice now. Maybe turning off your video, we might be able to hear you Member Kama?

COUNCILMEMBER KAMA: How about now, Chair?

CHAIR MOLINA: Okay, we can hear you fine. Go ahead with your question.

COUNCILMEMBER KAMA: Okay. So, I'm kind of sitting here trying to figure out what happened. I mean just to...so that it makes sense in my head. But we had someone who victimized women in our community, and...

CHAIR MOLINA: Member Kama.

MS. LUTEY: It looks like she's signing back on.

CHAIR MOLINA: Okay. All right. Anybody got a quick question in open session prior to recognizing Member Kama. Okay, we'll go to Member Paltin, and once Member Kama comes back online, we'll go to her. Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thanks, Chair. Thanks, Ms. Lutey. I feel like I can know where she was going, like she...he victimized women, and now he wants to get money. I don't get that either. Like, he did wrong things, and then we follow the Sunshine Law process, and now he's asking for money. So, I don't feel like we did something wrong because he said yeah, you're not doing right things, so you can't keep being in this position because it's an at-will position, and if you're going to get removed, you got to be approved by the Council to be removed, correct? And then, he was removed, and the due process part, couldn't that have been he has his turn to testify, but he didn't take a turn to testify. But maybe Member Kama can say it better. Go ahead, Member Kama.

CHAIR MOLINA: Okay, Member Kama is back online. Go ahead, Member Kama.

COUNCILMEMBER KAMA: Thank you. Yes, yes, you're correct. That's what I was trying to ascertain, is that how can someone who has been victimizing the women in our community, and the way we feel about that, and then he turns around and sues us. Help me to understand that.

CHAIR MOLINA: Ms. Lutey.

MS. LUTEY: Thank you, Chair. Thank you. Thank you, Member Kama. I can get into what's been publicly filed because that's out there. But what I'll tell you is that the judge was concerned with the way the due process procedures were handled. Part of what his order discusses is that he felt that a lot of the questions that...or a lot of the testimony

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and questions that were occurring on November 4th and 5th were based on testimony of people that weren't involved in the investigation that resulted in the resolution for his removal. And so it was too broad, and that Mr. Guzman didn't have sufficient time to prepare to respond to those types of accusations and questions. The transcript...or the minutes from those meetings, to me, say otherwise, and that's part of the issue I have with this court's order. But basically, now, what we're left with is the damages issue, and that would be as a result of any due process violation that the plaintiff allegedly sustained. So that's what the trial would be on.

COUNCILMEMBER KAMA: So, then that leaves my question, Chair, is that if we're looking at settling damages for the victimizer, where does that leave the victims in terms of what they might do to this Council? So, I'm not sure what you think about that, Chair.

CHAIR MOLINA: Ms. Lutey.

MS. LUTEY: Thank you, Chair. Well, Ms. Matthews does currently have representation by legal counsel. But in terms of her having actionable claims against this body, if the body were to decide to settle this matter, that's not something she could sue you on...if that's what the question is, Member Kama?

COUNCILMEMBER KAMA: Yes, that was what the question was. Thank you, Ms. Lutey. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. All right, Members. Seeing there are no other requests for questions in open session on this item, the Chair is going to make a recommendation to enter...or to ask for a motion to convene in an executive meeting on this matter in accordance with Section 92-5(a)(4) of Hawaii Revised Statutes, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Chair will entertain a motion for that.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay, motion made by Member Sugimura. Is there a second? Seconded by Member King. And Members, just as a friendly reminder, we do need six votes to enter into executive session. All right, any other discussion on the motion? Seeing none. All those in favor of entering into executive session for this particular item, please signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: Okay. 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: And before we do that, based on the new Sunshine Law rules, we need to declare who will be in this executive session. I assume all nine Committee Members, Ms. Lutey, and Committee Staff...that would be Ms. Martins, as the Secretary. For our Legislative Attorney, would that be Mr. Forrest, or Mr. Raatz, or Mr. Mitchell? Gentlemen? Anyone?

MS. APO TAKAYAMA: Chair, I can assist here. So, from Corporation Counsel, Corporation Counsel Moana Lutey, Corporation...Deputy Corporation Counsel Keola Whittaker; Deputy Director David Raatz, Deputy Director of OCS; Legislative Attorney Richard E. Mitchell; and then Committee Secretary Pauline Martins.

CHAIR MOLINA: Okay. Thank you very much for your assistance, Ms. Apo Takayama. All right. So, Members, there you have it. These are the individuals that will be joining us for executive session on GREAT Item 22(11)...or excuse me, GREAT Item 11(22). Sorry, getting a little dyslexic on that. All right. With that said, Members, the time is 10:21, let's go ahead and take our morning recess in conjunction with coming back into executive session. Members, have you all received the link for executive session? Everybody got the link? No. Okay, Staff, please be sure all Members get the link for executive session. And the time is 10:22. So, Members, let's reconvene in executive session on this item at 10:35 a.m., okay. This GREAT Committee meeting for November 1st, 2022 is now in recess, and we'll reconvene in executive session at 10:35 a.m. Meeting in recess. . . .(gavel). . .

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RECESS: 10:22 a.m.

RECONVENE: 11:41 a.m.

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting for Tuesday, November 1st, 2022, will now come back to order. The time is 11:41 a.m. We have just completed discussions on GREAT Item 11(22) relating to the proposed settlement of the *Don Guzman v. County of Maui* matter. Based on discussions in the executive session, your Chair is going to recommend the filing of Resolution 22-236. Chair will entertain a motion for that. Is there a motion to file?

COUNCILMEMBER SUGIMURA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Motion to file was made by Member Sugimura, seconded by Committee Vice-Chair Rawlins-Fernandez. Member Sugimura, anything to declare in open session as it either relates to this matter or other issues?

COUNCILMEMBER SUGIMURA: Nothing more to say. Thank you for the recommendation.

CHAIR MOLINA: Okay. All right. Members, anyone else would like to speak to the motion to file Resolution 22-236? Okay. All right, Members, well, seeing none. The Chair will then call for the vote on this matter to file Resolution 22 dash...oh, sorry, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. At what point would you like Members to disclose anything that is supposed to be shared in open session?

CHAIR MOLINA: The time is fine right now. I know if there's...I know we don't have a full slate of Members out here right now. We have six, seven Members, we're missing two Members, I believe, if my count is correct. There may have been a member that wanted to disclose something openly.

COUNCILMEMBER LEE: Member Paltin, maybe?

CHAIR MOLINA: Yeah, I believe so.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, did she leave?

CHAIR MOLINA: Okay. If she's on the line, I don't see her.

COUNCILMEMBER KAMA: I don't see her.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Well, she just asked about being at this . . .*(inaudible)*. . . to fly out. That was the only thing that she was going to disclose in

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open session. And I know Member Sugimura had a question that she wanted to ask in closed session, but was more appropriate for open session. So, if Member Sugimura wanted to ask that question now--you don't have to because she didn't ask--but if she wanted to ask to get the answer, she could, at this time, Chair?

CHAIR MOLINA: Okay, yeah. We'll ask Member Sugimura. I know it was a medically related matter and, you know, just out of respect for your privacy, if it's something you still would like to ask in open session?

VICE-CHAIR RAWLINS-FERNANDEZ: No, not that.

COUNCILMEMBER SUGIMURA: No, not that.

VICE-CHAIR RAWLINS-FERNANDEZ: No, no, not that.

CHAIR MOLINA: Okay, Member Sugimura, you have something else you would like to ask in open session?

COUNCILMEMBER SUGIMURA: I was just asking about the task force and --

CHAIR MOLINA: Oh, yeah.

COUNCILMEMBER SUGIMURA: -- and what the Administration was doing about that, and to continue it, or was that the one meeting...I think that was from a testifier, so I don't know what the Administration has done. I was just curious about that, and our responsibility. Thanks.

CHAIR MOLINA: Okay. All right. Thank you. Administration, or Ms. Lutey, go ahead...your response with regards to...I guess the testifier's asking about the task force that was formed, but then only had one meeting since. Any comments on that, Ms. Lutey?

MS. LUTEY: Thank you, Chair. I know that there was a task force that was formed, but I have not kept up to date on how many meetings they've had, or anything else out of that. I could find out though, and get back to you.

CHAIR MOLINA: Yeah, that'll be a good idea, and find out who is tasked with forming this task force out of the Mayor's Office. Obviously...I don't think it was Corp. Counsel's task, so to speak.

MS. LUTEY: Yes.

CHAIR MOLINA: So, if you could find that out, who, I guess, tried to organize this task force. I think it'll be helpful for the public's information and knowledge. . . .*(audio interference)*.

. .

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MS. LUTEY: . . .*(inaudible)*. . .

CHAIR MOLINA: Is that it, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, that's it.

CHAIR MOLINA: Okay. All right. Thank you. Okay, I don't see Member Paltin, but...oh, there she is. Okay. Member Paltin, if you'd like to officially ask that question. I think Member Rawlins-Fernandez, Vice-Chair Rawlins-Fernandez touched on. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Sorry I had to come out to the big room. My question in executive session was if I could fly out of Kapalua because I'd prefer that.

CHAIR MOLINA: Okay, Corporation Counsel?

MS. LUTEY: Thank you. Yes, we can fly you out of Kapalua.

COUNCILMEMBER PALTIN: Thank you.

MS. LUTEY: You're welcome.

CHAIR MOLINA: Okay. Thank you very much. Any other discussion as it relates to the motion on the floor, which is to file Resolution 22-236? Okay, seeing none. Chair will call...oh, sorry, Mr. Sinenci. Go ahead.

COUNCILMEMBER SINENCI: Yeah, just a question for Ms. Lutey. As witnesses to the trial, and considering that we do have a Committee week--it's during Committee week--what kind of accommodations are we planning for that so that we continue our Committee work?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you, Chair. Member Sinenci, thank you for the question. I will work out a schedule with plaintiff's counsel, and see if we can make sure that you can continue having your Committee weeks...I'm sorry, your Committee meetings during that week, and keep this as less obstructive as possible for you...hopefully get you on remote, if we could.

COUNCILMEMBER SINENCI: That would be great. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. All right. Thank you, Mr. Sinenci. Members, any other discussion as it relates to the motion on the floor? Okay. Seeing none. Then the Chair will call for the vote. All those in favor of filing Resolution 22-236, signify by raising your hand and saying "aye." Aye.

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All right. The Chair counts, based on my video, were one, two, three, four, seven Members. I'm not seeing Mr. Johnson, and I believe Member King. If they can hear me, you could at least acknowledge by your voice vote. Okay, there's Mr. Johnson. Was that an "aye" on the filing? Okay. And let's see, I believe Member King might be having a technical issue, so...all right, Members, then the Chair will call for the vote at this point. Eight "ayes." Okay. Is there any opposition to the filing? Okay. No opposition. Okay. Chair will mark it eight "ayes" with one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

ACTION: FILING OF RESOLUTION 22-236.

CHAIR MOLINA: All right. Thank you for very much, Members. This matter will move on to the full Council at a future date.

**GREAT-6(4) AMENDMENTS TO THE RULES OF THE COUNCIL (RESOLUTION 22-230,
AMENDING THE RULES OF THE COUNCIL)**

CHAIR MOLINA: Members, we have one last item on the agenda. And Chair is aware of the time. We have 12 minutes to the hour of 12:00, and we do have our 1:30 Committee meeting, APT, chaired by Mr. Sinenci. The Chair is open to deferring. What is the pleasure of the body? Do you folks want to talk about it a little bit? And also, we need...if we do defer, should...I need to ask for us to close public testimony on this item? What is the pleasure of the body?

COUNCILMEMBER KAMA: Defer.

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COUNCILMEMBER LEE: Defer.

CHAIR MOLINA: Defer? All right. Okay. Before the Chair makes that official declaration, Staff, is there anyone else awaiting to provide public testimony on this item, which is GREAT Item 6(4)?

MS. APO TAKAYAMA: Chair, there are no individuals who have indicated they'd like to testify. Thank you.

CHAIR MOLINA: Okay. All right. Thank you. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I heard someone speak, and it said testifier.

CHAIR MOLINA: Oh, okay. Staff?

MS. APO TAKAYAMA: Chair, yes. Sorry, that was the...I think Laks and I were trying to speak at the same time.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Okay.

CHAIR MOLINA: All right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Okay. All right. Hearing that there are no other testifiers for this matter, if there are no objections, the Chair will close public testimony on GREAT Item 6(4). Any objections?

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM 6(4) . . .

CHAIR MOLINA: Okay, so noted. And based on the time constraints we have, the Chair will defer GREAT Item 6(4) and we'll definitely try to bring it to my next agenda. Vice-Chair? Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Before you defer this item...oh, can you hear me?

CHAIR MOLINA: Yeah, I can hear you, but your video is frozen. But go ahead, we can hear you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Do you want me to turn off my video?

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CHAIR MOLINA: Oh, no. Okay, now you're back to...you're in motion now. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, how's that? Okay. I'll just ask my question. I turned off my video. All right. So, we had...I think it was Member Lee's proposal, and the last GREAT Committee agenda, and then this is Member Sugimura's?

CHAIR MOLINA: I believe so, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And so, the proposal is...so, the...for Member Lee's amendments, that is going to be a Committee report on this...on Friday's agenda?

CHAIR MOLINA: Let me double check with Staff.

MS. APO TAKAYAMA: Chair?

CHAIR MOLINA: We could just, you know, discharge or what? But anyway, let me get Staff's take on --

VICE-CHAIR RAWLINS-FERNANDEZ: Well, no. Chair, Chair, so, we did make a recommendation to full Council regarding amendments to Member Lee's proposal at the last GREAT Committee. One of the sticking points that we hadn't come to an agreement on was the limitation on the number of items. Member Lee proposed having a maximum of 25 items on the agenda, and we had talked about not doing that, and going a different route, but we were going to work on a proposal to do that. And I was just wondering if that idea, or that proposal, had come to fruition, and that's why it's on the agenda.

CHAIR MOLINA: Yeah, I understand.

VICE-CHAIR RAWLINS-FERNANDEZ: Because it's a . . . *(inaudible)*. . . part.

CHAIR MOLINA: Yeah, yeah. I believe the preference was to bring it back to Committee, discuss it, rather than having a full-on discussion about it at Council, yeah. If I can recollect...get that recollection from Staff, but I believe that was one of the considerations.

MS. APO TAKAYAMA: Chair, yes. So, I can clarify. The reason...okay. Sorry, going back to your question. We do not have the CR posted on the...on Friday's Council meeting agenda. The reason we did that was because we were discussing the Rules of the Council in this GREAT Committee meeting. And so, had we had two competing proposals, the language would have been different by the time we took up Councilmember Sugimura's proposal. So, if we had passed out Chair Lee's proposal that we discussed during the October 18th GREAT Committee meeting, and those amendments went through on Friday, the language that was included, or would be the new language in the rules, would not be reflected in Councilmember Sugimura's

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proposal. So, the ASF posted on today's agenda reflects the amendments made at the Committee meeting of October 18th.

CHAIR MOLINA: Okay, Vice-Chair, does that help clarify for you?

VICE-CHAIR RAWLINS-FERNANDEZ: It does. But that just means that we're not going to be changing the rules as quickly as I think testifiers were hoping we were going to, and I thought that we were going to because we all agreed on those amendments, to move them forward. It was just the one last amendment that we were trying to figure out how to resolve. And having Member Sugimura's bill, or resolution, in Committee still was the mechanism for us to not have to wait for a new proposal at Council to be referred. So, I'm kind of disappointed to hear that we're going this route. Mahalo, Chair.

CHAIR MOLINA: Yeah, it's unfortunate we had a very long meeting on the previous item as well, so it's left us very little time. Certainly, we have the option, if you guys want to recess to expedite getting this, you know, moved forward out of Committee, maybe after Mr. Sinenci's meeting today. I don't know what your availability is, or later on sometime this week. I mean that's one option to consider, if you want to move things forward. Chair Lee? And it's, you know, what Chair Lee, I'm sorry. I think Member Paltin --

COUNCILMEMBER LEE: Thank you. Regardless...oh, go ahead.

CHAIR MOLINA: Chair Lee, if it's okay, can I recognize Member Paltin? I think she had her hand up first.

COUNCILMEMBER LEE: Sure, go right ahead.

CHAIR MOLINA: All right. Member Paltin, followed by Chair Lee.

COUNCILMEMBER PALTIN: Thank you, Chair. I thought...I don't know if this is what Chair Lee was going to say, but I thought Chair Lee said at the last meeting that she was going to take testimony at the beginning, and so she can...or we can just do that? Was that the concern, or was it all the rules?

COUNCILMEMBER LEE: You asking me?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, Chair?

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, that was the primary concern that testifiers brought up, Member Paltin, thank you, but...yeah.

COUNCILMEMBER PALTIN: But I thought that we can just --

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VICE-CHAIR RAWLINS-FERNANDEZ: . . . *(inaudible)*. . . going to do. But, yeah, we can.

COUNCILMEMBER PALTIN: We can just do that. So, then it's not a super big deal, right?

CHAIR MOLINA: Yeah. So, even though it's not really etched in the Council Rules at this time, the Chair has that flexibility to...if upon approval by the body, so to speak, yeah. Okay, Chair Lee?

COUNCILMEMBER LEE: Okay. This discussion is kind of moot because on Friday, we have to have a hard stop at 4:30. So, I can take testimony. Remember, I said either hard stop, or cap the number of items. So...because we're having the Council meeting in the Mayor's lounge, we have to have a hard stop...actually around 4:15, before 4:30. So, as a result, we can gauge testimony, and we can gauge the amount of items we can cover, so that way we can have testimony at the beginning and throughout, but we're going to cap it before 4:30.

CHAIR MOLINA: Okay. Thank you, Chair.

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: All right, Members --

COUNCILMEMBER LEE: So, that was one of my recommendations. Okay, thank you.

CHAIR MOLINA: Okay. Members, any other comments before we defer this matter? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Sorry, I just was wondering--because there's a significant event during lunch. Would it be possible to borrow some remote workspace at the Council building, or at Kalana Pukui, or something?

CHAIR MOLINA: Chair? Chair Lee, any thoughts to that?

COUNCILMEMBER LEE: What significant event during lunch? What did you say?

COUNCILMEMBER PALTIN: Ke Kula O Pi'ilani closing.

COUNCILMEMBER LEE: Oh, on Friday? Yeah, yeah, yeah. Yeah, I was going to ask if everybody wouldn't mind taking a specific lunch break. So, we have to time everything leading up to the lunch hour, so that we can run over to Kepaniwai for the event, and then come back to the building...well, not to the building. We're not going to be at the building.

COUNCILMEMBER PALTIN: That's what I was saying, if we could use a remote workplace...because I'll never make it from Lāhainā.

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CHAIR MOLINA: Yeah.

COUNCILMEMBER LEE: A remote workplace for the event at Kepaniwai? Is that what you're saying?

COUNCILMEMBER PALTIN: A remote workspace in Wailuku someplace, like a spare desk.

COUNCILMEMBER LEE: Oh, for you to come over. Yeah, you can go to...you can go to the Kalana Pukui. Yeah, that's not a problem.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: All right. Okay, thank you.

COUNCILMEMBER LEE: And anybody else.

CHAIR MOLINA: Okay, Members, any other discussion on this item before we defer? Okay, seeing none. If there are no objections, the Chair will defer item...GREAT Item 6(4) related to amendments to the Rules of the Council. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay. All right. So ordered. Okay, Members. Thank you very much for all of your hard work today. We went a little bit over, but nonetheless, we still managed to get a...a word or two in on even the last item. So, Staff, is there anything else the Chair needs to be made aware of before we adjourn?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Okay, go ahead. Member King, go ahead.

COUNCILMEMBER KING: Thank you. And I'm sorry, I was trying to get back into the meeting, and I couldn't get back into the meeting when you took the vote. So, I just wanted to just double check...and the Council voted for your recommendation?

CHAIR MOLINA: Yeah. It was an eight-zero vote, and thanks for bringing that up, Member King. Yeah, so just to make the public aware that you were having some technical difficulties, which is why you could not participate in that particular vote.

COUNCILMEMBER KING: Yeah. Thank you.

CHAIR MOLINA: Thank you. All right. Staff, any other concerns the Chair needs to be made

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aware of before we adjourn?

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

CHAIR MOLINA: Okay. All right. Very good. All right, Members, thank you very much for your hard work, as well as Staff, and Administration. We had a very interesting and very productive day on this first day of November, 2022. So, with that being said, the GREAT Committee meeting for November 1st, 2022, the time is 11:58 a.m., is now adjourned. . . .*(gavel)*. . .

ADJOURN: 11:58 a.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Michael J. Molina", is written over a horizontal line.

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

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Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 40 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 2nd day of December 2022, in Wailuku, Hawai'i.



Terianne Arreola