

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

MINUTES

June 16, 2014

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member (In 9:09 a.m.)
Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member (In 10:24 a.m.)

EXCUSED: Councilmember Elle Cochran, Member

STAFF: Carla Nakata, Legislative Attorney
Sharon Brooks, Legislative Attorney
Tammy M. Frias, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Molina, Executive Assistant, Office of the Mayor (Items PIA-2(26), -2(31), -71, -27(2), 69)
William R. Spence, Director, Department of Planning (Item PIA-27(2))
David M. Yamashita, Planner VI, Long Range Planning Division, Department of Planning (Item PIA-27(2))
David J. Underwood, Deputy Director, Department of Personnel Services (Item PIA-25)
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-27(2))
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-25)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Molokai Council Office (via telephone conference bridge):
Lori L. Buchanan (Item PIA-27(2))
Steve Chaikin (Item PIA-27(2))
Lance (“Kip”) Dunbar (Item PIA-27(2))

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Gregory E. Jenkins (Item PIA-27(2))
Debra N. Kelly (Item PIA-27(2))
Robert A. Stephenson (Item PIA-27(2))

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

CHAIR HOKAMA: . . .(*gavel*). . . Council's Committee on Policy and Intergovernmental Affairs shall come to order. This is our regular meeting of the 16th of June 2014. Present this morning we have our Vice Chairman, Mr. Couch.

VICE-CHAIR COUCH: Good morning, Mr. Chair.

CHAIR HOKAMA: Good morning. We have our Madam Chair, Chairman for the Council, Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Mr. Chair.

CHAIR HOKAMA: Good morning, and we have Committee members starting with Mr. Victorino.

COUNCILMEMBER VICTORINO: Good morning, sir.

CHAIR HOKAMA: Good morning. Vice-Chairman of the Council, Mr. Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR HOKAMA: Good morning, and our colleague from Molokai, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Aloha, good morning, Chair.

CHAIR HOKAMA: Good morning. The Chair at this time excuses Members Cochran, White, and Guzman. We will allow testimony on any item that we have agendized for today's meeting, Members. Therefore I will ask our Staff is there is any request for testimony in the Chambers this morning?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Okay, we have no request for testimony in our Chambers this morning. We'll go to our Hana District Office and ask Ms. Lono if there is anyone wishing to provide testimony?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and we have no one waiting to testify.

CHAIR HOKAMA: Thank you very much. We'll go to Lanai's District Office and ask Ms. Fernandez if there is anyone wishing to provide testimony?

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MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR HOKAMA: Thank you and we'll go to our District Office on Molokai and ask Ms. Alcon if anyone wishes to provide testimony this morning?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR HOKAMA: Okay, thank you very much. Members, since there is no request for testimony with no objections, we shall close testimony for today's Committee meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, Members, so ordered.

ITEM PIA-2(26): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LANAI PLANNING COMMISSION) (CC 13-42)

CHAIR HOKAMA: Let me please bring up first item, Policy Item 2(26) under the heading of Nominations to Boards, Committees, and Commissions. This is, the subheading is the Lanai Planning Commission. On June 6, 2014, Mayor Arakawa has sent a nomination for consideration by this, for the Council of Romeo Eleno to the Lanai Planning Commission, for a term expiring March 31, 2017, due to a resignation of a previous member. We'll ask Mr. Molina if he has any comments he'd like to share with the Committee, please?

MR. MOLINA: Yes, good morning, Mr. Chairman, and good morning Committee members. Mr. Eleno is currently a teacher at Lanai Elementary and High School, and if you take note of his application it's basically a very impressive resume. He had served on the Board for the Hawaii State Teachers Association and also on the National Education Association which is a very prestigious board, and very active with the other programs, formerly with the Summer Pals, and also he has quite an impressive education resume as well. And he has expressed an interest in serving on the Planning Commission and with regards to time because the Commission I believe they meet in the early evening, wouldn't be a problem for him. Typically teacher's work days ends roughly 2:30 to 3 o'clock so he would be available to meet and attend these meetings. And with that being said, Mr. Chairman, if there are any other questions I would be available to answer the Members' inquiries. Thank you.

CHAIR HOKAMA: Thank you. Members, the Chair had requested Mr. Eleno to participate today. He has informed the Committee that he is unable to, I believe he is on a trip out of the State, and again I've had many people asking me who is this gentleman since he may be known in the school community, but not in the general community. I think it's important for those that want to

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serve on Lanai that they be very knowledgeable or as we say ma`a to our people, to our community, and our history and why it is the way it is. Therefore, Members, the Chair is going to request that this item be deferred today. I've asked Mr. Eleno to participate at the next meeting. If he does not, I shall again recommend denial of this applicant. Any objections, Members?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC, DSG, MW).

CHAIR HOKAMA: Okay, this item is deferred.

ACTION: DEFER pending further discussion.

ITEM PIA-2(31): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LIQUOR CONTROL COMMISSION) (CC 13-42)

CHAIR HOKAMA: May I please direct you to 2(31), also under the heading of Nominations to Boards, Committees, and Commissions, subheading the Liquor Control Commission. We have a communication dated June 6, 2014, from Mayor Arakawa, where he is nominating Stephen West to the Liquor Control Commission, for term expiring March 31, 2017, due to a resignation. We'll ask Mr. Molina if he has any comments he'd like to share with the Committee on this consideration?

MR. MOLINA: Yes, thank you very much. Mr. Chairman, Mr. West of course is very familiar to many of us. He's recently, his term on the Salary Commission just expired and he's expressed an interest to us in continuing to serve in our community. Mr. West of course is an employee of the Makena Beach and Golf Resort and has been very active with a lot of issues in our community, and also he is a very active member of the ILWU local union, and with your consideration, again the Administration would like you to please consider Mr. West. He has a very good reputation of showing up to all of the Commission and Board meetings that he's been a part of, and so with that being said, Mr. Chairman I'm open for any questions with regards to Mr. West.

CHAIR HOKAMA: Okay, thank you very much. Members, you have any questions? I did not request and there was no other request from the Committee members to have Mr. West present. I think many of us have known the gentleman and his involvement in the community. Is there any questions for the Chair or Mr. Molina? Ms. Baisa?

COUNCILMEMBER BAISA: No question, Chair. But I would like to say that I can be in full support of this nomination. I know Mr. West well; I know that he takes his job on Boards and Commissions very seriously. I also know that I think he's recovering from some surgery this

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week and so that may be why he's not here. But I think he'll make an excellent member, thank you.

CHAIR HOKAMA: Okay, thank you. The Chair recognizes Mr. Guzman --

COUNCILMEMBER GUZMAN: Good morning, Chair. Thank you.

CHAIR HOKAMA: --for your attendance, thank you very much. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, and I all echo what Ms. Baisa said and yes he is recovering from a surgery, and I have had the opportunity for many years to work with Mr. West, not only within the union spectrum but also as a community member, and he has always shown a real passion to make things better for all of us and work within its boundaries of our community. So I'm very, very happy and will be very supportive of your recommendation should you recommend his approval. Thank you, Mr. Chair.

CHAIR HOKAMA: Okay, thank you. Are there any other questions? At this time the Chair is in need of a short recess, people. So at this time the Chair is going to call a five-minute recess. . . .(gavel). . .

RECESS: 9:11 a.m.

RECONVENE: 9:16 a.m.

CHAIR HOKAMA: . . .(gavel). . . The Policy Committee shall return to order. Thank you, Members. Members, regarding Policy Item 2(31) under the subheading of Liquor Control Commission, the Chair is going to share some comments and then I'll inform you of my recommendation regarding this matter. This you know, as always the Council and the Committees are very attuned to the requirements of procedure and appropriate perception of the community that we do our things in an open and fair and appropriate manner. To avoid any appearance that we may have, well let me just say we want, we are going to do this the right way. Since on this Friday's agenda the 20th of June, we do have an official communication that informs the Council of the resignation of Mr. Mamuad from the Liquor Control Commission, and yet this Committee is today in advance of that receiving an official communication dealing with a consideration to fill that position. The Chair will make the following points for the record. That the resignation of Mr. Mamuad by dated correspondence predates the consideration of nomination of Mr. West to this same position as provided on June 6 by Mayor Arakawa. I've already stated the Council receive its appropriate and formal notification of the resignation on Friday, June 20th. Therefore, the Chair is going to, with no objections, defer this item, repost it for the next meeting of this month to take up the consideration once more and then make its recommendation to Council for final decision making.

COUNCIL MEMBERS: No objections.

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CHAIR HOKAMA: So is there any questions for the Chairman on his position and how to proceed regarding the process for this consideration?

COUNCIL MEMBERS: No questions.

CHAIR HOKAMA: Okay then, Members. This item shall be deferred to the next Committee Meeting. Any objections?

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC, MW).

CHAIR HOKAMA: Thank you, this item is deferred.

ACTION: DEFER pending further discussion.

ITEM PIA-71: REMOVAL OF NOMINEE FROM COUNCIL ON AGING (CC 14-131)

CHAIR HOKAMA: Now may we please move on to Policy item 71 under the heading of Removal of Nominee from Council on Aging. Members, we have communication dated May 30, 2014, from the Department of the Corporation Counsel, that transmitted a proposed resolution entitled removal of Autumn Arase from the Council on Aging. We also have County Communication 14-131, from Mayor Arakawa, recommending the removal of Ms. Arase because of attendance concerns pursuant to Section 13-2 Subsection 5 of the Revised Charter of the County of Maui 1983, as amended. Members, of course this is a very rare, rare request coming from the Administration and Mayor Arakawa and so I'm sure that it took great deal of review and consideration of options before coming to this recommendation to the Council through this Committee. I will ask Mr. Molina if he has any comments he is able to share with the Committee at this time, please?

MR. MOLINA: Yes, thank you very much, Chairman. And you are certainly very correct. This is a rare occurrence and something that can I guess at times feel a bit uncomfortable. When I formerly served on this Committee when it was known as the Committee of the Whole, I don't know if my memory is faded but I don't seem to recall we ever dealt with a matter like this. But let me just first state for the record the request for the removal is not based on Ms. Arase's character or anything of that nature. I know Ms. Arase personally and she's a very nice, wonderful person. It's more procedural if we're looking at it that way. Ms. Arase was confirmed to the Commission by the Council on July 6, 2012, and the Council on Aging typically meets every other month. She did attend the first two meetings that were dated August 14, 2012 and October 23, 2012. Since then, the Council on Aging staff reported that she has missed nine consecutive meetings; some of the meetings missed were related to medical issues and a family trip. The meetings that followed were unexcused absences. On March 21, 2014, I did communicate via e-mail with Ms. Arase and shared our concerns about her missing meetings and because of her inability to attend, we suggested that she submit a resignation letter and resign from the Council on Aging until she can make herself more available to attend meetings. And

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we certainly did express to her that we would consider her in the future for another Board or Commission once she gets her attendance issues addressed, and she communicated with us on April, 1, 2014, that a resignation letter would be sent, but no resignation letter was received and we are required to receive a wet signature letter of resignation. And then subsequent to that on April 15th, the Mayor sent her a letter and if Mr. Chairman you'll permit Staff, I can provide a copy of that letter to the Committee members.

CHAIR HOKAMA: Okay, thank you. We'll have that for the record.

MR. MOLINA: Basically, to summarize the letter. In the letter, the Mayor just again went over the procedures and again requested a resignation letter; otherwise, we would have to resort to this procedure which is pretty much the last line of addressing this matter. The matter of course rests in your hands and you know even myself personally after we gave her a deadline of April 23rd and after April 23rd I even communicated with her via e-mail. Phone contact, there was no response back to that as well. I offered to even meet with her and go to whatever place that she would like to even pick up the resignation letter. So in summary, Mr. Chair, we certainly tried our best to give her every opportunity to either resign or provide us a reason why she would want to continue, but again there's been no response since April 1st from Ms. Arase. And you know, again as I mentioned earlier, the authority rests with you based on the Maui County Charter Article 13, Section 13-2, Subsection 5. It also states a two-thirds majority of the Council is needed for the removal of a Board or a Commission Member. So with that being said, Mr. Chairman, I'm open for any questions. Thank you.

CHAIR HOKAMA: Thank you, Mr. Molina.

COUNCILMEMBER VICTORINO: Chair.

CHAIR HOKAMA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. The question I have for you, I understand and it's too bad you know. People volunteer and then sometimes things happen you know and you did mention that she had been ill and then there was a family trip. Since then, you have attempted to contact her. Have you spoken directly to her?

MR. MOLINA: There was one time I did speak to her prior to April 1st over the phone. But since then we have tried that phone number again and I got a message that said the phone number was disconnected.

COUNCILMEMBER VICTORINO: And you've checked and unable to find any other working number or any means of reaching her.

MR. MOLINA: Yes, that was the only number that was provided to us.

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COUNCILMEMBER VICTORINO: And I guess, Mr. Chair, the only other question I have was there a formal letter sent to her saying that this would happen if she didn't contact you by that date you mentioned, April?

MR. MOLINA: Yes sir, Mr. Victorino, copies are being made now of that letter for you at this time.

COUNCILMEMBER VICTORINO: Okay, cause we didn't have anything in here so I wanted, and again if you've done your due diligence by all means humanly possible, and I'm one of those that would really never want to say no thank you to somebody for helping, but there may be reasons, I just wish Ms. Arase would have communicated that with us or with you so that it would make this whole procedure just a little bit easier. I just feel very uncomfortable removing anybody but based on the circumstances in front of me I will await your recommendation, Mr. Chair, but I feel very much like you do. With no communication back, how do we know what's going on? So, Ms. Arase, I want to personally thank you for doing what you did, I just would wish and hope somehow you hear this and you come back and contact you, Mr. Molina and let you know what had happened so that I feel a little bit more comfortable, really. Thank you. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you. Before I recognize Mr. Guzman, I will inform the Committee that Ms. Arase also is on the Commission on Children and Youth, and we have not had any communication whether or not attendance on serving on that Commission has been an issue or not. But if it is, then the Committee again will if requested have a similar consideration. Mr. Guzman, your question?

COUNCILMEMBER GUZMAN: Yes, thank you, Chair. Just a question for Mr. Molina. Did you send any notice via certified mail to Ms. Arase?

MR. MOLINA: I can't confirm that at this time but I can get an answer for you. I know we did send a letter out, whether it was sent by certified mail I'm not clear at that point. I can get that information for you.

COUNCILMEMBER GUZMAN: Yeah, please I, Chair I would like to... if the certified mail was not sent out, could we request the Administration to send out a certified...

CHAIR HOKAMA: That's not a requirement of the County.

COUNCILMEMBER GUZMAN: But just for...

CHAIR HOKAMA: Again, the Chair will state his position as with all of this. The County's not here to build people's resumes. We're here to allow our community to participate in key Boards and Commissions to help make decisions that improve the betterment of this community. Having a name on a Commission, not attending, for me, after three meetings is grounds enough for removal.

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COUNCILMEMBER GUZMAN: Can I have a follow-up question, Chair?

CHAIR HOKAMA: Proceed.

COUNCILMEMBER GUZMAN: Is there set standards and procedures for the requirements of attendance, like for instance a certain amount of attendance would subject the commissioner to subsequent discipline action or further action, is that a set policy and where is that stated?

MR. MOLINA: Certainly that's a good question, Council member. I know of no set formal policy although I guess it varies from Administration to Administration. Generally we try to look at the old three-strike rule. But we considered the fact that she had some excused meetings because of medical issues and also a family trip, but of those nine meetings, several of them were unexcused and that's where I guess the red flags were starting to be raised. And again, according to the staffers, they said she did not communicate back to them at certain points, and then it was brought to our attention for us to intervene and get Ms. Arase to communicate with us and she did to a certain point. The last communication with her was April 1st. But it's certainly something that we maybe need to look in to as far as for Boards and Commissions that maybe we maybe establish some form of formal criteria when it comes to the removal process, and like I said this is somewhat new ground for us as well and it definitely doesn't occur very often. And we again try to extend every possible opportunity for all of our citizens to try and serve and at least give them ample opportunity if you will 'cause we appreciate our citizens participating, and at times for certain Boards and Commissions it's hard to get, to try and find people who are willing to serve. And as a footnote to that, ironically we do have someone very interested in serving on the Council on Aging right now, but we did inform that person that we cannot move forward until we address Ms. Arase's situation with you the Council. So, but yeah, I think you certainly bring up a good point with regards to establishing a formal criteria.

COUNCILMEMBER GUZMAN: I think Mr. Kushi looks like he wants to...

CHAIR HOKAMA: You have any other questions, Mr. Guzman, at this time?

COUNCILMEMBER GUZMAN: Well, it just, it seems as though that based off of what Mr. Molina is saying is that they're working off of past practice, and it seems as though that if certain policies that are applied to officers or commissioners are equivalent to employees, they should also have that set policies in place as well as an appeal process. If there's, if she would have that official notice that she was going to be removed then she by right if we're going to consider her equivalent to an employee have that right to an appeal. So I'm just looking procedural wise, Chair. Thank you.

CHAIR HOKAMA: Okay. Well, this was her opportunity to come before the Committee to state her case. Mr. Kushi, any comments?

MR. KUSHI: Yes, Mr. Chair, if I may. I just remember... Guzman's question about procedures. I'll have to check but I believe in HRS92 or 91, there is a section saying that all Boards and

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Commission members if they miss so many meetings, consecutive or not, which would affect quorum, they shall automatically be terminated or et cetera, but I don't recall the language but I can look it up.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR HOKAMA: Okay, thank you. Members, any other questions for Mr. Molina, your Chairman, or Mr. Kushi regarding on what is before us? This is part of a, the Mayor has requested that we go through the Charter stated procedure regarding this situation. Normally all serving Boards and members of Boards and Commissions would give us the courtesy of a resignation, if they are unable to fulfill their duties. It is a question that the Committee members and the Council members have asked basically every single nominee that has come before us regarding ability to attend, to do the work that they are being considered for, and that is part of our basis of decision making. I mean the reassurance of being able to participate actively as well as attend those meetings since it impacts other members on the Boards and Commissions that are making their time available to serve our County. If there're no further questions for Mr. Molina, Mr. Kushi, or myself the Chair is going to recommend that we forward to the Council to adopt a resolution entitled Removal of Autumn Arase from the Council on Aging; as well as the filing of the County Communication 14-131. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution stating Removal of Autumn Arase from the Council on Aging; and filing County Communication 14-131.

COUNCILMEMBER BAISA: I second the motion.

CHAIR HOKAMA: Thank you very much. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Members, any discussion on the motion before you? Having none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed say no?

COUNCILMEMBER GUZMAN: No.

CHAIR HOKAMA: Motion passed. Oh, one no. Thank you. We have six ayes, one no, and two excused. The motion passes.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Crivello, and Victorino.

NOES: Councilmember Guzman.

EXC.: Councilmembers Cochran and White.

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ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending **ADOPTION** of resolution and **FILING** of communication.

CHAIR HOKAMA: Okay, Members, we're going to take a short recess before we bring up Policy Item 27(2). We are going to reconnect with our Molokai District Office so that the nominees that are present may be able to participate with the Committee. We'll take a short recess subject to the call of the Chair. . . .(gavel). . .

RECESS: 9:34 a.m.

RECONVENE: 9:35 a.m.

CHAIR HOKAMA: . . .(gavel). . . Policy Committee shall return to order. Members, may I direct you to Policy Item 27(2), under the heading of Community Plan Advisory Committee Selection subheading Molokai Community Plan Advisory Committee.

ITEM PIA-27(2): COMMUNITY PLAN ADVISORY COMMITTEE SELECTION (MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE) (CC 11-164)

CHAIR HOKAMA: We have some communication and correspondence with this agenda item. First, we have County Communication 11-164, from the Planning Director, requesting that the process to establish the Advisory Committee for the Molokai area be initiated. We have a correspondence dated November 21, 2013, from the Department of Corporation, that had transmitted a revised proposed resolution entitled Appointments to the Molokai Community Plan Advisory Committee, and as we are well aware of, Members, the Committee's made up of 13 Molokai residents, nine members are appointed by the Council, and four are appointed by the Administration, by the Mayor. Today, Members, before we move forward, the Chair is going to make some comments. Mr. Teves has informed us that he's unable to participate in today's discussions, and we've asked him that to make himself available in the future regarding this consideration. Shannon Kino has informed the Committee Staff, or the Committee through our Staff, that she is unable to commit the time and requirements to serve effectively so she has asked that her consideration be withdrawn. Regarding the consideration of Zhantell Dudoit, the Chair's position on this is that she's a very active community member. Many of us know her activities as well as dedication and her love for her island. However, she is currently a member of the Molokai Planning Commission. The Chair believes that it is a, we should allow as many to participate, the Chair does not support an individual on any of our regions to be able to have

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more than one decision making opportunity regarding the Plan. She will have her opportunity as a Planning Commissioner to review, amend, revise, and put forward a recommendation to the Council as a Planning Commissioner when the Commission has their opportunity to review the Molokai Community Plan. Is there any questions for your Chair regarding his position and comments he has made so far regarding this item? Okay, thank you very much. And also we have communicated with Ms. Dudoit to explain the situation and she has been very gracious and understanding and is aware that she will have her opportunity to participate and also make a decision on what is recommended as a final consideration. At this time, we'll go alphabetically as we've listed it on our agenda, and we'll ask Ms. Buchanan, Ms. Lori Buchanan if she has any comments she would like to share regarding her nomination to be on the Molokai Planning Advisory Committee as one of the nine Council appointees? Ms. Buchanan, are you there please?

MS. BUCHANAN: Yes, I'm here. Mahalo honorable, Chair. I am willing and happy to serve my community in whatever capacity, especially in planning and if you have any specific questions for me I'm happy to answer.

CHAIR HOKAMA: Okay, thank you Ms. Buchanan. Members, any questions for the Members I'll go right down the line, Mr. Carroll, none? Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: None at this time.

CHAIR HOKAMA: None, thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: None.

CHAIR HOKAMA: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: No questions. I know her well.

CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And the standard question I guess we'll ask everybody is the time commitment. It's very time intensive for a short amount of time that they're willing to, and able to keep up with that so we don't have a repeat of the situation we just had.

CHAIR HOKAMA: Members, please speak loud and clear as Ms. Alcon has requested for the ability for the nominees to hear and be able to respond appropriately. I believe Ms. Buchanan did give an opening comment regarding her willingness to serve, but Ms. Buchanan, did you hear Mr. Couch's question?

MS. BUCHANAN: Not really, Chair. But I think he's asking about the commitment to time?

CHAIR HOKAMA: That is correct.

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VICE-CHAIR COUCH: Correct.

MS. BUCHANAN: Yes, I would be able to make whatever commitments that I need to make for this very important planning effort for our island.

VICE-CHAIR COUCH: Okay, thank you. Thank you, Ms. Buchanan.

CHAIR HOKAMA: Okay, thank you. Ms. Crivello any questions?

COUNCILMEMBER CRIVELLO: Aloha, Lori, good morning. Thank you for the many times that you helped to put together planning for our island, and I don't have any questions except I thank you for your years of service. And I know that you bring the necessary skills to the table. So personally, I appreciate you. Mahalo.

CHAIR HOKAMA: Okay, thank you very much. Thank you, Ms. ...

MS. BUCHANAN: Thank you very much, Chair.

CHAIR HOKAMA: Thank you. The next person we'll ask for some comment is Mr. Steve Chaikin, I apologize sir, Mr. Chaikin if you have any comments you'd like to share regarding your consideration please?

MR. CHAIKIN: Well let me just thank you for the opportunity to be here, the opportunity to serve, and let me just say that I am ready, willing, and able to put forth the necessary energy, effort, and commitment of time. I think there's a lot of opportunities on this island moving forward. I think we can take a look at the other islands and see what has worked and what has not worked and apply some of those to Molokai, and I look forward to serving in this capacity should the County Council concur.

CHAIR HOKAMA: Okay, thank you very much, Mr. Chaikin again. Mr. Victorino, any questions for the gentleman?

COUNCILMEMBER VICTORINO: No, no questions at this time.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Nothing further, thank you.

CHAIR HOKAMA: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: No questions.

CHAIR HOKAMA: Thank you. Mr. Couch?

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VICE-CHAIR COUCH: No questions.

CHAIR HOKAMA: Mr. Carroll? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Aloha Steve. This is Councilmember Crivello. Mahalo for taking the time. The only question I have, I guess this is basically for all members, I know you're a self-employed entrepreneur, businessman that probably takes you to travels to fulfill your business obligations, and I know you've experienced serving even as Chair on the Molokai Planning Commission. So do you find yourself readily available for the kind of intense time that this Community Plan Advisory Committee will ask of you?

MR. CHAIKIN: Well, thank you, Stacy. And that's something I've given a lot of thought to, and you know I just feel that the future of this island is important enough that I can make the necessary time available to do whatever it takes to get this mission accomplished.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR HOKAMA: Okay, any further questions, Ms. Crivello, regarding the...

COUNCILMEMBER CRIVELLO: No, this is it. Thank you.

CHAIR HOKAMA: Okay, thank you very much, Mr. Chaikin, for being here this morning. We appreciate your willing to serve your community and your island. Next we'll ask Mr. Lance Dunbar, also known as Kip Dunbar if he has some comments he'd like to share with the Committee this morning, please?

MR. DUNBAR: Good morning, Mr. Chair. This is Kip Dunbar. Council members, I think I can echo everything that both Lori and Steve have said before that it's an important mission. I think Molokai does have a lot of opportunities, new opportunities, and I look forward to committing the time and serving on the Advisory Council if I'm picked. So, I'd be happy to answer any questions if you, if anybody has any.

CHAIR HOKAMA: Thank you for that, Mr. Dunbar. The Chair will just start going down the line. Anyone has a question for Mr. Dunbar? I know Mr. Dunbar has served in other capacities in the past and some of you may be familiar with him. Any questions for the gentleman? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Mr. Dunbar, for volunteering to be on this very tough Committee. I notice in your application you talk about there are definite musts to accomplish the future needs. Can you elaborate on some of those musts? I see your desired vision down below; I'm just wondering if those are the musts you're talking about?

MR. DUNBAR: Well, I personally believe that you know as being a banker here for about 16 years that there was some opportunities that we've missed, and there are a lot of good buzz words out there

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like sustainable and trying to get our 49 cents a kilowatt down to where an entrepreneur can actually make some money and then maybe perhaps hire some people. And you know I've seen Molokai in the last 30 years kind of always trying to have to go in one direction as opposed to having a multiple layer of economic opportunities whether it be you know the days gone past of pineapple and cane into some type of sustainable ag. We do have our well-funded Molokai livestock co-op here that is really underutilized and I think you know we can make that a bigger economic engine. I believe that our watersheds need to be taken care of so that we have sustainable reefs and sustainable water for our ag products so if we want to be farmers there's ways to do it and I don't think we've really accomplished that yet. So I think there are many opportunities for us to move forward with that.

VICE-CHAIR COUCH: Okay, thank you, Chair.

CHAIR HOKAMA: Okay, thank you very much. Any other questions for Mr. Dunbar? Ms. Crivello?

COUNCILMEMBER CRIVELLO: No question, but again as usual I want to thank you guys for taking the lead to be front liners in working with our community to invigorate our needs and, Kip, I appreciate the perspective that you'll bring to this Committee, so mahalo.

MR. DUNBAR: Mahalo, Stacy. Thank you.

CHAIR HOKAMA: Thank you, Mr. Dunbar. Next we'll ask Mr. Gregory E. Jenkins to say a few words. Many of you know Mr. Jenkins. He was one of our finest in the Fire Department. So Mr. Jenkins, your comments, please.

MR. JENKINS: Aloha, Chair Hokama and members of the Committee. My name is Greg Jenkins, I'm a resident of Pukoo, Molokai. I'm very honored to have the opportunity to potentially serve on this important Commission. I would concur with the other nominees that Molokai's future is of great importance and how that blends into Maui nui as a whole is also important so I'm very pleased to have the opportunity to serve and thank you.

CHAIR HOKAMA: Thank you, Mr. Jenkins. Members, any questions for the gentleman regarding his consideration this morning? Having none, any last words, Ms. Crivello, you'd like to share?

COUNCILMEMBER CRIVELLO: Of course Greg, needless to say we want to say mahalo. Mahalo for taking the time to bring all the skills that you have on the table. I believe when you say you want to preserve what we have for future generations. I know you have such talented young women who we hope that can recycle back home to serve our community just as well with all that they've gained throughout their academics. So that being said, when we say preserve, do we preserve, what are we saying to preserve for our future generations?

CHAIR HOKAMA: Mr. Jenkins, did you hear the question?

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MR. JENKINS: I heard Member Crivello's question with regards to future generations, I just didn't quite hear the first part of it.

CHAIR HOKAMA: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Okay, so Greg, we know that your girls are very high up there academically and are pursuing their education and hopefully all what they gain out there we can have them come in full circle to come home and share their educational values with us. So how do we preserve what we have today for our future generations so that they can come back home to be employed and continue to serve our community?

MR. JENKINS: Thank you, I understand the question. Looking at the GPAC and how it fits into both Maui's Plan, the Island Plan as well as what would be developed for Molokai. We know it addresses environmental issues, cultural issues, educational issues, getting our keiki to be college ready and all of the economic and considerations that go along with that which is largely connected to planning. And so with looking at sustainability, again a buzz word, but sustainability of those components of our economy, our environment. On Molokai specific, we give the opportunity for our community now as well as the future to look at how they participate locally and come home to responsible economies of scale on Molokai that support the County as a whole. And without those opportunities and with good planning, frankly I see us losing resources and opportunities and so I see that this GPAC and specifically the Molokai CPAC is going to have a major, be of major importance in trying to achieve those goals.

COUNCILMEMBER CRIVELLO: Thank you, Greg.

CHAIR HOKAMA: Thank you. Any other questions for Mr. Jenkins, Members? Having none, thank you very much for your being there and sharing your thoughts with us this morning. We'll ask Debra Kelly if she has any comments she'd like to share with the Committee at this time?

MS. KELLY: Aloha, Chair. This is Debra Kelly. I live on homestead and I am currently willing and able to serve our Molokai community, and as previous nominees have stated that you know we support our local community and try to do the best that we can in supporting all our efforts to make sure that our future generations have a place to come back to.

CHAIR HOKAMA: Okay, thank you very much. Thank you very much for that very sincere comments. Members, any questions for Ms. Kelly to serve on the Molokai Community Plan Advisory Committee? Okay, having none, any comments from you Ms. Crivello?

COUNCILMEMBER CRIVELLO: Again, I wish to ditto the mahalos. Debra, thank you for your work. I think you do the walk and not just the talk when it comes to caring for our natural resources and what makes our island special. I know you're the planter of the Molokai Fire Task Force that have just spread out to be a successful organization. And so as a business owner, an employee with government and a homesteader, I would ask again if you will still be able to contribute your time with this intense planning stage that we'll be going through?

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MS. KELLY: Yes, to the best of my abilities. Yes, I am able and willing to serve.

COUNCILMEMBER CRIVELLO: Thank you, Debbie.

CHAIR HOKAMA: Any other questions for the gentle lady, Members regarding her consideration? Having none, Ms. Kelly, thank you very much for making yourself available this morning. We appreciate your dedication to your island and your willing to volunteer. Next we'll ask Mr. Robert Stephenson for his comments and any thoughts he wishes to share with the Committee this morning?

MR. STEPHENSON: Aloha, Chair and Committee members. My name is Rob Stephenson, a resident of Molokai and I'd like to say thank you for the opportunity to be nominated to serve on the Molokai Community Plan Advisory Committee. And as I look around this room that we're in and I look at the list of people, fellow nominees, every single person is committed to the island of Molokai and making sure that our future, we move forward responsibly and create opportunities for not only those of us who are here but those in future generations. And I'm fully committed to making the time and taking the time and effort to serve on this committee and again I appreciate the opportunity, thank you.

CHAIR HOKAMA: Thank you, Mr. Stephenson. Members, any questions for the gentleman regarding his consideration? Okay, thank you very much. I'll ask Ms. Crivello if she has any question or concluding comments she'd like to share?

COUNCILMEMBER CRIVELLO: Thank you, Chair. You know you mentioned in your application maintaining our rural lifestyle and at the same time providing employment and economic opportunities for those committed to Molokai. So in our rural landscape how do you see the CPAC being able to open doors for employment and economic opportunities to our island?

MR. STEPHENSON: Thank you. Stacy, I appreciate the question, I understand. I think one of the important things that we need to look at is there's plenty of infill opportunities that don't need to change the landscape or the infrastructure on Molokai that are being underutilized, so I think any type of economic or other growth that could happen could happen within the zoning areas and in the areas that have already have a current infrastructure in place that we won't have to change that rural landscape and that rural lifestyle. So I think better utilizing and focusing what we currently have and then moving forward and planning for the future if necessary.

COUNCILMEMBER CRIVELLO: Thank you. Thank you.

CHAIR HOKAMA: Okay, thank you very much, Ms. Crivello. Members, any other questions for the gentleman? Having none, Mr. Stephenson, thank you for making yourself available for the Committee this morning.

MR. STEPHENSON: Thank you.

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CHAIR HOKAMA: Okay, for those of you that are at the Molokai Office, you folks can remain if you wish. If you have requirements of other, of your time we understand and we thank you for being available. We also have Mr. Dave Yamashita from the Department of Planning. He is part of the Long Range Division that has oversight of the community plan process, as well as our Director, Mr. Spence. So gentlemen, I don't know if you have any comments you wish to share but you're welcome to join us on the floor and if you do have comments we would, or if the Committee members have questions for the gentlemen now is a good time for us to have that discussion.

MR. SPENCE: Good morning, Mr. Chairman, Committee members.

CHAIR HOKAMA: Good morning, Director Spence.

MR. SPENCE: I don't think we have a whole lot of things to comment on except we look forward to starting the Molokai process as well and we're available for questions.

CHAIR HOKAMA: Okay, I'll ask the Members if they have their questions, any questions at this time? The Chairman has a few I'd like to ask either you or Mr. Yamashita, Director. The Council has just granted an extension for the Lanai Community Plan and again we're well aware of the situation and circumstances unfortunate as they may be. However, the County must continue to move forward and so timing wise and staffing wise, how is your Division currently able to move forward if the Council adopts this sooner than later because a clock starts up on the Council's I believe part of our approval timing to start the process, any comments, gentlemen?

MR. SPENCE: The, thank you, Mr. Chairman. The Long Range Division right now is... we're down, we're actually down four people.

CHAIR HOKAMA: Excuse me, Director, you know Molokai's participating with us today so if both of you gentlemen in replying to the Committee can speak loudly and clearly into the microphone, please.

MR. SPENCE: Sure.

CHAIR HOKAMA: Thank you.

MR. SPENCE: Thank you. The Long Range Division who heads up the community plan process right now is down four people. We were down five. We have you know of course we had a couple of people pass away in the accident. We have two more that are still out on medical leave. We have emergency hired one for a planning position. We're currently down two GIS positions, you know one is out on medical leave, another retired so we're doing what we can right now to fill those positions and that will certainly speed up the process. Right now we're you know we had some delays, we're seeing what we can do to make up that time and I appreciate the County Council for providing us that time extension to finish the Lanai Community Plan through the Planning Commission. As far as timing goes, we're... perhaps Mr. Yamashita would like to

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address that, we're certainly looking forward to starting some community outreach. We did some of that in the past and we want to go ahead and update, you know take what we heard, go back to the community, gather some more input in preparation for starting the CPAC process so...

CHAIR HOKAMA: Mr. Yamashita?

MR. YAMASHITA: Yes, thanks very much for the question and the opportunity to respond. We are actually working on the draft. We had spent quite a bit of time back in, we started in February, January-February working, updating the Molokai draft. For those who may not be familiar with where we were, we did have a draft and then we were asked to focus on Lanai, so we kind of put that aside, focused on Lanai, and we're in the process of picking that up when the plane crash occurred and so we're trying to pick it up again now. As I think Director Spence said, you know we are short staffed but we're doing the best that we can. We had three planners working on the Lanai Community Plan for two and a half months, we have one planner and now we have with the emergency hire back to two. But what we want to do is to have an outreach event before the end of the year to circle back to the community and to at least provide an outline of what's in the draft plan so people know what's in the plan, and at that point I would hope, tell us if what we heard two years ago or more than that is still valid. And once that's done and again it depends on when we, our staffing increases, we can really ramp up and finish the draft, send it out for agency review and then also send it, what we like to do is send it to the Committee at least a month ahead of the first meeting so they have enough time to prepare.

CHAIR HOKAMA: Okay, okay. So for our Committee's update on status, is the plan to complete Lanai and then start Molokai, or as we wind down and the plan comes to Council for Lanai, Molokai will start already rolling forward?

MR. YAMASHITA: Yes we, the intent is to have some overlap because we need to, you know, I think as many people here in the Council and just internally, we would like to work on these and get them done a lot faster, and so even though we're down staffed we're trying to have some overlap. And so once the Lanai Community Plan has passed the Planning Commission, or even before that the idea, Commissioner [*sic*], is to have somebody start on Molokai actually next month if we can.

CHAIR HOKAMA: Okay. Thank you for those responses. I just wanted to make sure that we understand how you folks shall be proceeding very clearly because we do receive a lot of questions ourselves regarding the process. Are you able to inform the Committee, and I know we have Mr. Molina, but has the Department received any indication from the Mayor that he is also ready to appoint his four members to the Advisory Committee? Mr. Molina, if you'd like and give a status or response for the Administration and the Office of the Mayor, we would appreciate it if you're able to.

MR. MOLINA: Yes, good morning, Chair and Committee members. At this point the Mayor's Office is currently in the process of selecting their four individuals to serve on this particular Commission.

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CHAIR HOKAMA: Is the Mayor and Administration, should the Council move this forward within a reasonable let's say two-month period, be able to provide those four appointees to the Advisory Committee so that as the Department wants to move forward with the advanced review of documents and revisions that those members will be available to participate?

MR. MOLINA: Yes, sir, Mr. Chairman. The Administration will certainly work with the Department and Council as well to expedite matters so this Committee can move forward with their deliberations.

CHAIR HOKAMA: Thank you.

MR. MOLINA: Thank you.

CHAIR HOKAMA: Ms. Crivello, questions for the Planning Department or Mr. Molina regarding either the process for Molokai or you know anything else we've discussed today?

COUNCILMEMBER CRIVELLO: I guess after the confirmation and approval of our nominees, what sort of timeframe are you looking at starting and hopefully to complete at least to get out there into the community?

MR. MOLINA: Mr. Chairman, Council member, as soon as possible. As a matter of fact, I would like to add that we would like to reach out and get your input as well with regards to potentially other members in the community that would like to serve on this Committee, and we certainly want to expedite matters and work with you on this.

COUNCILMEMBER CRIVELLO: Thank you. Director, do you have a start date perhaps?

CHAIR HOKAMA: Your best anticipated timing wise. We won't hold you to it, Director.

MR. SPENCE: We're anticipating starting about October. We would like to be able to do that sooner but we're still, we're still hunting for staff. You know we're still recruiting, it's still something of a struggle within the Long Range Division so we're, but we're moving, making good progress on Lanai, you know we'll be able to transmit that up to the County Council and we'll go from there and as said, we plan on getting to the community earlier than the actual start date of the CPAC so it's Molokai by no stretch of the imagination is on the backburner.

COUNCILMEMBER CRIVELLO: Okay, thank you.

CHAIR HOKAMA: Any other questions, Ms. Crivello?

COUNCILMEMBER CRIVELLO: No and the reason I ask is because members from the Maui island, different communities are claiming that things are being held up because we're waiting for Molokai. It's like Molokai's waiting for Lanai and unforeseen circumstances with Lanai, and so

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I get inquiries often as to you know they can't start their community planning on the island until Molokai's done with and again it comes down to your staffing too I guess, yeah. So that's the reason for the questions, thank you.

CHAIR HOKAMA: Director.

MR. SPENCE: I think something else we've encountered this go-around with the community plans that we didn't have last time is the explicit nature of 280B. When that law was revamped a number of years ago it's a lot more explicit, there's a lot more requirements not just on timelines but on content and it makes the process you know that much more complex. So you know we're struggling with that as well. I shouldn't say struggling, we're working with it but it does take additional time the way that this law was written. You know it took whatever seven years to do the Maui Island Plan, we're hoping that community plans will take a lot you know shorter amount of time than that and we're trying to figure ways to, how we can overlap more. You know these two plans, Lanai and Molokai, are the first two. They're a little more complex as well because they're island plans. But we're going to try to figure out ways to make the other plans go a lot faster.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

CHAIR HOKAMA: Thank you. Members, questions? Mr. Couch? Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Yes, Mr. Chair. I just want to mention and I'll be meeting with the Planning Director later this week but you know when we were finishing the General Plan, one of the things and I think we all agreed to was that we have a process that doesn't work. It takes too long and it's much too cumbersome and we need to speed it up and we all committed to try and come up with some ideas as to how we can do this better and faster. And so I just want to remind everybody that that's on the table and that I am committed to pushing that forward. Thank you.

CHAIR HOKAMA: Thank you. Mr. Guzman, any questions?

COUNCILMEMBER GUZMAN: None. Thank you, Chair.

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: No, no further comments.

CHAIR HOKAMA: Thank you. Mr. Carroll, any questions? Thank you. Ms. Crivello, any final questions?

COUNCILMEMBER CRIVELLO: No, thank you, Chair.

CHAIR HOKAMA: Okay, thank you very much. Members, currently what we have before us with the revisions and adjustments of those nominees that we've contacted and, or have informed us of

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their change in status, the Chair currently, we've reviewed six people today. We've had Mr. Teves who has continued to, shown his interest to serve but was unable to participate today which the Chair is happy to give him an additional opportunity as well as that makes seven and that means the Committee will be recommending two additional names for consideration. Since the Chair currently has no names that I will be providing you this morning, the Chair's intent is to defer this. I will agendize again shortly with additional names for consideration by this Committee. The Chair will be contacting those wishing to give service from Molokai, opportunities to make their desires known so that it can be considered for posting at the next opportunity and allow Molokai community as well as others to give their input. And so Members, stating that, I am planning to defer this because I would like to send to the Council a full slate of nine members that this Committee is recommending instead of having it half and half. So with no objections, Members, I'm going to defer this item for today.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC, MW).

CHAIR HOKAMA: Okay, thank you very much. This item is deferred. Gentlemen, thank you very much for your participation with us this morning. Mr. Yamashita, Director, I don't know if you're staying for anything else? If not, Members, I am going to direct you to Policy Item 69.

ACTION: DEFER pending further discussion.

ITEM PIA-69: BALANCED GEOGRAPHIC REPRESENTATION ON SPECIFIED COUNTY BOARDS AND COMMISSIONS (CC 14-129)

CHAIR HOKAMA: And this is under the heading of Balanced Geographic Representation on Specified County Boards and Commissions. You have in our binders a Communication 14-129, from your Chairman, with a proposed bill for an ordinance entitled A Bill for an Ordinance Amending Chapter 2.41, Maui County Code, to Require Specified County Boards and Commissions to Include Members from Lanai and Molokai. A proposed bill will be amending the chapter, it is proposing to add a new section, Section 2.41.080 which is requiring balanced geographical representation to require that at least a minimum of one member shall be from, shall be a resident of Lanai and minimum of one member shall be a resident of Molokai for the following Boards and Commissions: Board of Variances and Appeals, Cost of Government Commission, Fire and Public Safety Commission, Liquor Control Adjudication Board, Liquor Control Commission, and Police Commission. It is your Chair's desire that we have had from both of our sister islands members of our communities wishing to provide service, give their unique perspectives of how these major Boards and Commissions impact all the islands of this County, and therefore I am proposing this for consideration. I believe we have people that have continually shown interest to serve on this Boards and Commissions that does and currently impacts all islands of this County. Mr. Molina, I know you're here so if you have anything you would like to share with the Committee this morning we are open to receiving those comments.

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MR. MOLINA: Yes sir, Mr. Chairman and Committee members. Let me state first for the record the Administration, I've not received any comments from the Administration or I'm aware of any written correspondences that have been sent by the Administration with regards to this proposal. If you will, Mr. Chairman, I can share more of a personal perspective and opinion of this particular item. I'd be glad to do so and I would do so as someone who formerly was a part of this Committee dealing with Boards and Commissions and now of course working for the Executive Branch on the other side dealing with Boards and Commissions so I can share that perspective if that is your wish, Mr. Chairman.

CHAIR HOKAMA: Okay, I'll ask the Committee members first, any questions on what is before you in the proposal, Members? Okay, we'll let everyone participate, Vice-Chairman Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I understand the concern here and I'm just curious as to Mr. Molina's comments as far as why we don't have, I know having done some of the work that Mr. Molina has done, it's sometimes tough to get them but I know we always look for them and when somebody applied and was acceptable everybody tried to do it that way already. So I'm just curious as to what has happened since then. That was you know over ten years ago so.

CHAIR HOKAMA: Okay. Mr. Molina?

MR. MOLINA: Mr. Chairman and Councilmember Couch, let me just preface my response first with just giving you a quick statistical breakdown of these Commissions that you're considering to have representation from Lanai and Molokai. Currently on the BVA, Cost of Government, and Fire Commissions there is currently no representation from either island. On the Liquor Commission there is a representative from Lanai, none from Molokai. On the Liquor Adjudication there is a Lanai representative and I believe we did send you a nomination recently for the Liquor Adjudication, I believe that was Mr. Kauka from Molokai, and currently on our Police Commission we do have a Lanai representative as well as a Molokai representative. With regards to your question, Council member, I guess you could say it's been based on past practices. Currently, the Administration's present and past they have I guess a lot of flexibility and leeway whether to appoint someone from those islands to this Commission, and that's basically how I believe we've been operating on a maybe availability basis. But again being that there's no I guess mandates as to having Molokai and Lanai representation on these Commissions, that's I guess the best explanation I can give, but on my own personal views as a former member of this Committee and now currently working for the Administration overseeing Boards and Commissions, there are cost adjustments to consider should this pass. But on the other hand I don't think a price can be placed on public participation from all areas of our County and also the whole concept of being inclusive and getting people's mana'o throughout Maui County. These are certainly very important Boards and Commissions and you know again you can't put a price on public participation. So that is again my own personal perspective and may or may not be the perspective of the Administration so again I just share that on a personal basis. Thank you.

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CHAIR HOKAMA: Thank you. You have a follow-up, Mr. Couch?

VICE-CHAIR COUCH: Please. That being said I know I guess to either Mr. Kushi or the Chair, I know there have been times cannot get people for certain Boards and Commissions from those islands so if we are unable to do that after making you know as they say the college try would we have a vacancy until somebody is available and acceptable from the islands? That would be my only concern.

CHAIR HOKAMA: I would say, Mr. Couch, in further deliberating on this proposal that I have before you, I would ask the Committee and you know again if we're not ready, we're not ready to make decision on this matter. But I would say that I think one of the things that the Committee and the Council did very wisely in understanding the concerns that you've shared and some of the comments and difficulties to implement that Mr. Molina has had to deal with over various years is how we approach the brand new Commission on Public Works. We've allowed alternates to be part of the consideration that should something arise the alternates step in unless for consideration of how we can approach it. But I think it is critical, and I would agree that because of the unique geographical situation of our County that other sister counties may not have to deal with is to me important to let them participate, and it is our job to provide the resources financially and otherwise to allow this participation to happen. It's been interesting for me as a sitting Member of various years that I keep getting the comments of why we don't have a Lanai member on certain things. And at times, we haven't. I'm happy to hear the report and status from Mr. Molina because that shows me that he has made the sincere attempts to find residents of our various districts to participate. And I understand it's not an easy task on his part, especially with people like me sitting here who is not in favor of just building resumes. I want people who really want to do the work. If you're going to volunteer there's a lot more than satisfying this Committee. You need to satisfy your community, your district, as well as your fellow Board members or fellow Commissioners. So I think we should take that responsibility seriously and I want those who volunteer to take it seriously. But I think if we're going to move forward in strengthening our County, we are going to need the input from throughout the County district-wise. Ms. Baisa?

COUNCILMEMBER BAISA: Yes thank you, Chair. I want to say that I am in full support of this. I think it's very, very important. We are the County of Maui which includes these islands and they are citizens, taxpayers and deserve to be represented. I know it's difficult. It's never easy to try to find people that are willing to give this commitment of time, and this is why it's so impressive when we do have people who step forward and say okay I'm busy but I want to do it. But along with that I share the concerns you have about attendance. You know before I became a Councilmember I served on Boards and Commissions, and I know how frustrating it is when meetings are called and a lot of expense is involved in bringing people to the meeting and do all the preparation and whatever and then people don't show up. And we all understand that stuff happens. People get sick and you know planes are missed or whatever. But I think a few misses we can understand. But constant absenteeism, I think the member should take the responsibility of saying I can't fulfill my responsibilities, and so I support your proposal and I would certainly

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encourage people to volunteer and to take responsibility because you know whether you can fulfill your job and if you can't, it's your responsibility to say I cannot. Thank you.

CHAIR HOKAMA: Absolutely. Thank you. The Chair recognizes Mr. White in attendance.

MR. WHITE: Aloha, Chair.

CHAIR HOKAMA: Thank you. We are currently on Item 69 and so I'll let you get settled and the Chair will return to have your opportunity. Mr. Guzman, any questions?

COUNCILMEMBER GUZMAN: Thank you, Chair. I also am in support of the language and the intent of the proposed bill, or excuse me, the amendment. I just have a few questions in terms of statistics. If the goal is a balanced geographic representation, I guess I'm wondering what is the actual makeup of these Commissions in regards to all the other districts? Do we actually have a balanced representation from Kihei, Central Maui, West Maui, Upcountry? And if we don't, maybe Chair we can expand the language to include a representation from each of the districts. I'm just...

CHAIR HOKAMA: We can have that discussion.

COUNCILMEMBER GUZMAN: But I don't know the statistics as they are now and being only in office for 18 months, I don't have that past experience to whether determine that Lanai and Molokai have been lacking their statistics. But if we can compare it to the other districts representation that would give me a better idea as to if in fact under the Charter due consideration was given to balancing representation geographically, thank you.

CHAIR HOKAMA: Again, the Chair will inform the members of the Committee, and I believe Mr. Molina has also this information. We do have by Boards and Commissions basically the enabling legislation or supporting legislative or Charter requirements that states how the Board or Commission is made up. We also have the information of which department is the main supporting department so if it's a planning thing it's Planning Department of course. There's things like Aging, Children and Youth, that's Housing and Human Concerns Department would be the supporting Departments. We have the names of all the members and also it is requested that party affiliation because of the balance regarding also that political factor. We have them listed by the districts, it also states whether you come from Makawao, Kula, Lahaina, Kihei, that is also provided. The date of the term, we also have the date of the Council meeting and by the Council's documentation of Committee Report of the Appointment, when it was formalized and approved by the Council. So we have that type of information. Some of it is proprietary for privacy requirements, Mr. Guzman, as you can appreciate in the legal profession. But those information can be shared with you as a sitting Member in what is in the appropriate venue. So if it is proprietary and confidential you know you have some ability to review it but it stays within the parameters and circumstances of law.

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COUNCILMEMBER GUZMAN: I guess, Chair, what I was trying to get at is basically if I could review the other Commissions and see what is the statistics in terms of how many members you have or Commissioners that are from Central Maui, that are from West Maui, that are from Upcountry and to determine whether in fact there is a balanced geographic representation. Because when I look at the Charter, it's really that's the key there. Are we balanced or not? And obviously this wouldn't have been, this proposed amendment wouldn't have been placed up or formulated if there wasn't a flaw in the system in terms of Lanai and Molokai. So I wanted to also look at whether the other areas are lacking as well like let's say Wailuku, Central, Kahului, Upcountry, and that's just my point. I just, I'm in support of this bill but I just wanted to make sure that we are balanced on all of the Commissions. Thank you.

CHAIR HOKAMA: Okay. Thank you very much. And Members, just so it's clear, and I appreciate Mr. Molina's presence. But this is your Chairman's proposal. This is not the Administration's proposal or anything else so if you have a concern please bring it with the Chair. Mr. Molina was gracious to share his experience and some of the challenges he faces in trying to provide the balance as we are concerned about. So please keep that in mind. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. I support your proposal and I feel a good balance from all our sister islands is very important in any area, especially these particular Boards and Commissions because of the nature and decision making process that they endeavor in. The challenge I have is when you said we can always have alternates. Now if I recall correctly, sir, the alternates that we put on that Public Works has specific disciplines and that was why because of the requirement that was done. So I don't think that is applicable here because there are no disciplines required for these particular Board members other than being a concerned citizen and wanting to serve and all that. Now some of them in the past have had experiences in various areas which enhance their ability to work on these Boards. So I think that will be a big challenge in its own respect. And if you're talking putting someone as an alternate, is that alternate from the sister islands, or is the alternate someone that's just available? So I have concerns in what you're trying to do as far as alternates were concerned, okay. So let me state that first and foremost. Secondly, I agree that we want to have a balance. I don't know about Central and Upcountry, because we all live on the same island and certain, let's say Liquor Adjudication, the vast majority of outlets, servers, those who dispense liquor, 70 percent or so would be Central, West Maui, and South Maui. And I think 70-75 percent, I read that somewhere once, I can I guess if you wanted to get, we could get that. So are we talking just by geographical areas having representation or based upon the number of facilities that they must continue to monitor? Big difference, you know. So I don't mean to get carried away but when you bring something like this and then the rest of the questions were brought up or other concerns were brought up. These are the concerns that I would, if you want balance then what does the word balanced mean and how do we achieve balance? You know, is it again by the amount of monitoring that is done in specific regions? Then I would say West Maui and South Maui would have an enormous amount of representation needed because of that. I just, just my take on that. So those are the two concerns I have, you know beyond again the intent of our Charter is to keep balance. It clearly states that. However, how far we go with balance is a concerning issue when we're talking in specifics like alternates and how much monitoring, how

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many facilities are being monitored in the various regions. Because Lanai and Molokai, there are very, there are a few. I mean you know I can, the numbers are extremely small as far as those are concerned. So but again, I applaud your attempt to bring some of this forward and I would like to have a little more work. Like you said are you ready to make a decision? At this time without some of those questions being answered I would be hard pressed to say yes or no. Although your intent, I wholeheartedly agree with. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you. And Members that is why we're having this discussion today. Okay, and again the alternates is one way to consider addressing some concerns that the Committee may have, it may not be the solution. Okay, it may not be the solution but, and that is why, Members, as you know we have a lot of Boards and Commissions okay. The Chair picked those that he has received comments from those that have interest, that have shown a willingness to desire and have shown that basically, and I believe Mr. Molina can help verify, but certain Boards and Commissions has a lot of applicants, and others we have to scramble and find people willing to serve, okay. So the Committee has made a lot of input on what they consider to be their key Boards and Commissions for various reasons why they would like to serve on that but they won't serve on this one or other Commission or Board. And Mr. Molina I know can verify that very well.

MR. MOLINA: Mr. Chairman.

CHAIR HOKAMA: Yes.

MR. MOLINA: If I could just dovetail your comments, looking at these five Commissions or excuse me six Commissions that you're considering, maybe except for the Cost of Government Commission, we've had some challenges in trying to get people to serve on that but I can based on my experience with the other Commissions, I don't think that there would be a problem in finding participants from all of our islands. They're very high profile Commissions that do make an impact on our community so I just wanted to state that for the record, Mr. Chair. Thank you.

CHAIR HOKAMA: Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. It's unfortunate they used the term balanced geographic representation. It would have been much more accurate I think if they referred to the two islands, populated islands outside of Maui County that are unique in their own ways and need to have representation on these Boards and Commissions. It would be much more accurate when you talk about balanced representation, I mean you'd have to have nine members on every Board. But they need, each island does need somebody on there and they need it because they have unique conditions on Molokai and Lanai, and I think that probably the wording could have been better stated to achieve that goal. But I support what you have here. Thank you.

CHAIR HOKAMA: Thank you for your comments, Mr. Carroll. It's much appreciated. Ms. Crivello?

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COUNCILMEMBER CRIVELLO: Thank you, Chair. I thank you for bringing this forward. I appreciate it. You know, it says in the Charter that the Mayor shall give due consideration to balance geographic representation. So how I interpret that is making sure each geographic area is represented. I too, like you receive inquiries from our constituents on Molokai as well as Lanai that hey, I submitted my application but I got where I get a reply that I'm not qualified and yet the applicant may have served on previous Commissions for whatever reason, and when you further inquire it doesn't state that you need to have representation. So I always say we have a Fire Department on our island, we have Police, and now we have the Public Works Commission which is great that you've included that the sister islands be represented. So I do support your efforts and in Councilmember Victorino's inquiry as to what is balance, I would hope when we're saying balance that the representation for the geographic areas are fully, have some sort of representation. Cause we do bring, basically we all have the common thread when you serve on a Commission. It doesn't matter if you're from Molokai or Lanai. It's to service our community as best as we can, and I've been afforded the opportunity to serve on various Commissions and once you're there on the table, it's to benefit your full County though you have input of concerns that's happening on your particular area. So, thank you and I support what the efforts that you're trying to move forward with this proposal.

CHAIR HOKAMA: Thank you. Mr. White, any comments or questions?

COUNCILMEMBER WHITE: Thank you, Mr. Chair. I support the intent of this measure and I also would agree that having alternates would be very helpful so that we ensure that attendance is possible, because I know traveling from Molokai and Lanai can often be a little bit more challenging than jumping in your car from Kihei or Makawao. So I look forward to your recommendation on this. Thank you.

CHAIR HOKAMA: Thank you, and the Chair...you know, we all as Chairs of Committees and or like for Ms. Baisa, our Council, you know the concern is quorum. I mean there's a lot of effort that goes in to scheduling, preparation, providing opportunity for additional public input regarding meetings and especially when we do go through decision making, and it's unfortunate when because of quorum you know those meetings cannot occur. So I'm very well aware of the concern regarding quorum and I appreciate the comments from Mr. Guzman and Mr. Victorino. So I would say hearing the discussion, Members the Chair would be more comfortable in recommending to you today that we defer this. Let the Chair and Committee Staff take your comments under consideration and make some additional proposals for you at the next meeting to consider, because I am very pleased to get the amount of discussion and comments from every Member here this morning. Mr. Couch, you had another question for me?

VICE-CHAIR COUCH: Thank you. In light of Mr. Molina's comments as far as the Boards and Commissions that we have listed here, would you be up to considering removal of Cost of Government on there and possibly adding the Public Works Commission?

CHAIR HOKAMA: Thank you for that question. Again, because we've already pushed out from this Committee for Council to consider a Charter Amendment on the Cost of Government, that would

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be part of my consideration for revision. Regarding the Public Works Commission, I think we made it very clear in the legislation that there shall be at least minimum of one member from Molokai and one from Lanai so I think, I thank you through this Committee and the Council, we've already addressed that concern regarding that brand new Commission. Mr. Kushi, any comments, sir?

MR. KUSHI: Yes, Mr. Chair, I think I need to stop you now if you're, you or your Committee is discussing alternates to these Boards and Commissions. The ones that are listed in your bill are all Charter Commissions, Charter-created Commissions so if you're going to provide for alternates you need to amend the Charter.

CHAIR HOKAMA: Thank you very much. Well, okay that helps us in our revision of reconsideration of the proposal. But the way the proposal is currently proposed in the Bill for an Ordinance, Mr. Kushi, that would satisfy form and legality?

MR. KUSHI: Yes, what you're proposing is to amend Section 2.41.080 which kind of implements the way you fill Boards and Commissions. You've done it before so I see no problem in that.

CHAIR HOKAMA: Okay, thank you very much for that. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. While the Boards and Commissions are noted in the Charter, all it says it shall have nine but it doesn't say anything about alternates. Couldn't we, wouldn't we be able to by legislation allow alternates?

CHAIR HOKAMA: According to Mr. Kushi, we would need to amend the Charter to allow alternates to be considered.

VICE-CHAIR COUCH: Okay, well it's kind of a difference of opinion there. It doesn't say that you can't have them. It just says you must have nine members.

CHAIR HOKAMA: Well, we'll take our you know legal counsel advice at this time and again, the Chair is not going to --

VICE-CHAIR COUCH: Sure.

CHAIR HOKAMA: --ask for a decision on this matter this morning so the Chair and the Committee has additional time to consult with Corporation Counsel. Again we will make sure that everything is according to form and legality before I ask for a decision by the Committee on this matter. Is there any other questions or comments you wish the Chair to take into consideration on this matter, Policy Item 69? If none, Members, with no objections, this item shall be deferred.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

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CHAIR HOKAMA: Thank you. This item is deferred.

ACTION: DEFER pending further discussion.

CHAIR HOKAMA: Members, you want a short break before we take the last item or you guys want to just pound this out?

COUNCILMEMBER BAISA: Go on.

COUNCILMEMBER CRIVELLO: Go on.

COUNCILMEMBER WHITE: Five, five minutes.

CHAIR HOKAMA: Okay, we'll return in five minutes at ten five zero. . . .(gavel). . .

RECESS: 10:45 a.m.

RECONVENE: 10:56 a.m.

CHAIR HOKAMA: . . .(gavel). . . Policy Committee shall return to order. Members, we have final item on our agenda for today's meeting, it is Policy Item 25 under the heading of the Nepotism Policy.

ITEM PIA-25: NEPOTISM POLICY (CC 13-127)

CHAIR HOKAMA: We are in receipt of a County Communication 13-127, from Mr. White, who had transmitted a proposed bill and we also have a revised proposed Bill for an Ordinance Amending Chapter 2.56, of the Maui County Code, Relating to a Nepotism Policy. The Chair has just two, our Staff handed you out some more or less stylistic and what I consider not major adjustments to the bill for an ordinance consideration at this time, and of course on the last page under Section 3, Subsection D, I have the Staff present a question that I would need in the appropriate forum for whether it be open or executive legal counsel as well as Department of Personnel Services regarding that one consideration regarding retroactivity. With that, I'll ask first Mr. White if he has any comments he would like to share with the Committee?

COUNCILMEMBER WHITE: Thank you, Chair. And I believe we've had previous discussions on this matter, and the item D was deemed not to be appropriate, and so with Staff we had reworked the wording and not use the word nepotism and taken out that item D. And so I would enjoy hearing others' reaction but I would be more than comfortable to work on this a little more and bring it back to you at a later date after hearing some of the questions and concerns of the other Members.

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CHAIR HOKAMA: Okay, thank you for your comment, Mr. White. I'll ask Mr. Kushi first if he has any comments at this time that he would like to share with the Committee?

MR. KUSHI: Mr. Chair, I will defer to my Deputy Oana.

CHAIR HOKAMA: Okay, if you'd please introduce yourself to the Committee for the record, please, Deputy.

MS. OANA: Good morning Chair and members of the Committee. My name is Jennifer Oana, Deputy Corporation Counsel, and I took a look at this again on Friday and I do have some concerns and comments with regard to the revised bill. Starting from the first Section 2.56.010, it does mention upon conviction, and when you're talking about upon conviction, you're talking about a criminal violation or criminal conviction which would involve the Prosecutors Office with investigation, charging of the offense, bringing before the court the defendant, and a plea or trial, sentencing and proof of compliance. So when you're talking about conviction with regard to this proposed section, the Prosecutors Office should probably be consulted with.

CHAIR HOKAMA: Okay, thank you for that.

MS. OANA: Further, moving on to some comments.

VICE-CHAIR COUCH: Mr. Chair, point of order.

CHAIR HOKAMA: State your point.

VICE-CHAIR COUCH: I'm trying to figure out which version we're talking about, is this the one submitted by Councilmember White on 7/15/13?

CHAIR HOKAMA: This is...

MS. OANA: That is the one I'm looking at.

CHAIR HOKAMA: This is the separate submittal; it should be right behind the March 27 document.

VICE-CHAIR COUCH: Right, it says down at the bottom, submitted by Councilmember White 7/15/13.

CHAIR HOKAMA: That is correct.

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: Please work off that one, thank you for that question.

VICE-CHAIR COUCH: Thank you. Sorry.

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CHAIR HOKAMA: No, no, no, that was a good clarification, and Members, I would have Ms. Oana go through her review and comments first, and then we can, we'll open it up to questions and any other requirements on this so if you would please continue.

MS. OANA: Okay moving on to Section 3, the 2.56.070 section. Section A, it does have an exemption for Council members. This prohibition on nepotism is exempting Council members so this won't apply to Council Executive Assistants and Aides can be relatives. The first draft that Councilmember Couch mentioned just now did not have this exemption. There is also a bill going through the State Legislature right now currently, and the State is including Legislators in their proposed bill so I just wanted to comment on that. With regard to Section B, just a typo, the second line, kind of fourth word from the end of the second line "by", the word "by" should probably be changed to "to". With regard to Section C, this looks fine except for when you go down to 1b and 1c where it adds the term "another officer", that may be problematic for certain professions and departments due to the definition of "officer". Last time we were here I believe on July 15, 2013, I gave you a hypothetical about the Prosecutors Office, because under the Charter the term "officer" besides Mayor, M.D., Division Heads, First Deputies, under the Charter, "officer" also means the Deputies, Prosecuting Attorneys, and Corporation Counsel. So the example I gave you folks last time was besides the Chief Prosecutor and the First Deputy not be able to hire their children which is reasonable, they can also not hire any of their Deputies' children. So in a profession like the Prosecutors Office where if you want to be a prosecutor on Maui you can only work there, and in my experience as a criminal defense attorney some prosecutors are born prosecutors and so they're born prosecutors and Mr. Guzman's laughing, he's probably agreeing with me. You know, they're born prosecutors, they grow up, they want to go to law school and be prosecutors, they come out of law school, they're prosecutors, they have children who want to grow up just to be like them, but with this draft the way it is, no one, no kid coming home wanting to be a prosecutor can be a prosecutor if their parent is already one. Whether they're the first Deputy or the Chief Prosecutor or just a line attorney in the Prosecutors Office, their kids cannot be Prosecutors. So besides the Prosecutors Office and maybe relevant to MPD and Fire as well. I'm not really sure about that. Moving on to the same Section 2.56.070 (C)(1)(c), the end of that section it mentions merit alone, except under circumstances where the relative is qualified on merit alone, I believe the Personnel Services Department likes that addition but I do have a question what is merit alone mean, what's the definition? Does it mean you're on the eligible list? Does it mean you have the required degree, college degree? Does it mean any amount of experience in years? So that may have to be defined. Also I have a comment with regard to that phrase, does this phrase go to Sections A, B, and C or just C? Because right now it looks kind of like it just qualifies Section C. With regard to Section D now the retroactivity section, at this time I don't see how it can be applied retroactively. If we're talking about current employees who are married to each other, father-daughter whatever, one has to quit, I'm not sure if how that's going to play out. They're going to be possibly losing their rights, their property rights that they've been you know accumulating over the years. There's going to be some vesting issues, retirement issues. I'm not sure, but probably the unions will have a problem with this. This may be unlawful termination if we require someone to quit. I'm not sure if we're thinking about grandfathering in the current employees. But someone should

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consult with the unions as well as Department of Personnel Services. Also, with the proposed State bill that I just mentioned, they have an effective date of July 1, 2050. I'm not sure exactly why, but maybe it's just to think ahead. I think I have some further comments. Now with regard to that bill that's going to the State Legislature right now, it was introduced by Senator Hee January 2014. It's been referred to various committees. It has a more simpler definition if I can find it, hold on just a moment and I'll just read it to you so you can have some info. Their proposed bill...

CHAIR HOKAMA: What was the bill number if you have it please?

MS. OANA: It is SB 2959.

CHAIR HOKAMA: Thank you.

MS. OANA: So their proposal falls under Section 84 of the HRS, Nepotism, Section A, no legislator or employee shall advocate for, appoint, employ, promote, supervise, or advance to public office or employment any relative who is the legislator's or employee's spouse, reciprocal beneficiary, parent, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. So it pretty much ends there with regard to the rule. They do have an exemption, Section B that this section shall not apply in the event of an emergency resulting from a natural disaster or similar unforeseen event or circumstance. So that's the bill going through the State right now. Like I said, they propose an effective date of July 2050. They do include Legislators in their bill; they also do not include the other officer language. However, just to note that bill does not seem to include County Officers because under this bill they use the term employee, under HRS 84 employee means State employees. Just a couple more comments, like I said to you folks last time, the City and County of Honolulu and the County of Kauai include an exemption in their nepotism law prohibition for a relative who is on the eligibility list in accordance with Civil Service Law, so I would probably suggest you look into that and see if that should be included in ours. Another concern, I spoke with the attorney who advises the Board of Ethics, and the Board of Ethics has concerns if that's the agency you want to be the enforcement agency, they're saying that they are volunteer citizens and they have no staff to conduct investigations. So I think that's all of my comments at this point right now. Thank you.

CHAIR HOKAMA: Thank you, Deputy Oana. I appreciate your review and comments. Well I can understand why the Senate Bill has 2050, 'cause the Senator's own wife is a State employee at a University system so I guess he expects her to be retired by then. Interesting, and for me, Members, I think if we need to we can go to court again but I believe the County has standing under local governance that the State cannot interfere, the County's local governance and that's why we have a Charter and if need be I have no problem asking the Council and through this Committee that we may want to if need be take the State to court again regarding their interference with local governance. But we thank the Deputy. I think that some of your comments regarding upon conviction, if we want to maintain it as a criminal violation that it is

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appropriate to get the Prosecuting Attorney's comments. I appreciate your question that we may need to define the phrase "merit alone". I appreciate your comments regarding the retroactivity, Civil Service component, benefit component, tenure-ship. And so I'll ask Mr. Underwood, as our Deputy for the Department of Personnel Services if he has some comments he is able to share with the Committee this morning, please.

MR. UNDERWOOD: Thank you, Mr. Chair. I think Deputy Corporation Counsel Oana did an awesome job at summarizing pretty much everything we'd identified as well. As she noted, most of our concerns would center around the merit system and the overlapping protections of collective bargaining, Civil Service versus this particular policy. Especially if existing employees are not going to be grandfathered in, then we might have a situation where we'd have to terminate Civil Service employees or union members so that would be probably much more problematic for us. Some of the other things that she touched on, the other counties use an exception for when an employee is on an eligible list, you know we thought that that was a pretty reasonable compromise to carving out those protections. One minor point that we kind of deal with, it's come up in our office several times in any kind of rule or law that affects family is whether we want to include the definition of hanai, include hanai relationships in the definition of family. We typically always get that question when any type of family-based benefit is involved. So I think that would be pretty much the only thing I would have to offer in addition to Ms. Oana's.

CHAIR HOKAMA: Okay, thank you. I am not making a judgment but I will tell you that the history can show that various branches of government, except the judiciary, have utilized family members for certain appointments and it's mostly through the executive and the appointing authority. In the past, Mayor Tavares believed that Ms. Charmaine Tavares was qualified, experienced, and able to perform as Director of Parks and Recreation, and so he appointed her in that position and you know everyone has their own opinions but I believe she conducted herself in a very professional manner as our Director. We can look at President Kennedy and appointing his own, well he had to go to confirmation process of course, but the Attorney General was his own brother Robert Kennedy. So there's instances in the past where it was not an issue being a family member. I think a lot of the concern is more in the realm of transparency, and I believe the term "merit" regarding qualifications and an ability to perform is what the people expect first and foremost regarding employment opportunities in the government sector. So I just share that it's been done in the past in the State, it's happened a few times also with various successes, levels of success. I think it's something we need to discuss and if appropriate make the appropriate legislation, move forward to Council. Mr. White, hearing the comments from Corporation Counsel and Personnel Services, you have any questions for our resource people? I'll give you your first opportunity and then have all the other Members have their chance.

COUNCILMEMBER WHITE: The comments they made are the same as were made I believe was about a year ago when this first came up. I'm not moved on any of those changes and it looks like Committee Staff hasn't done anything to alleviate the concerns that were done earlier so rather than getting in to any specifics I think the real, the only question that I'd like to hear from the other Members is whether or not they feel we should have a policy that at least puts a higher

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level of evaluation on decisions to hire one's relatives, families, or others. You know we're all aware of where it has happened and in certain departments and that was the reason why I brought this forward. I don't think it's necessary to review all the issues that they were brought up. They were brought up before and I think they're valid concerns and which can be addressed. But the real question is whether the group feels that we should have some control on this or not at all. So thank you, Chair.

CHAIR HOKAMA: Ms. Baisa, any comments at this time or questions?

COUNCILMEMBER BAISA: It appears to me that this is a work in progress and I hear more questions than answers. But you know, I have a little bit of experience with nepotism policy when I was at MEO. We had a very strong nepotism policy. But it was more limited and it was limited to the definition of immediate family. This is much, much broader. This has mothers-in-laws, and sisters-in-laws, and all kinds of people. And of course we also got into that Hawaiian situation with hanai family and you know that is so recognized here in Hawaii that that's another problem. You know if I had a child that I hanai'd, it wouldn't be about blood relative or even an in-law but you know it would be like my own child so this is really complicated. I understand the need for a nepotism policy and you know if you've been in management you know that there are times when a relative makes a very good assistant because you know you have shared the same values, you have the same experiences, you understand a lot of things. If you lived with your mom or dad and you heard them talk about all their stuff at work every day you'd know, you'd kind of, you know, absorb it because you've been around it. But it also tends to sometimes be difficult to supervise family, because when discipline comes into the picture, it's very, very hard to discipline your family whereas if it's a person that doesn't, isn't that close it's much easier. So it's not an easy situation and I understand where Member White is coming from, and I think what we're looking for here is to make sure that people that are in positions have the skills and do the job and deserve whatever the compensation that they get. But I don't think that we are in any way ready to make a decision on this today. Thank you.

CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I echo Ms. Baisa's comments and my only concern is you know you have in-laws in here and typically after a divorce, in-laws are still your in-laws, that's my understanding. So then you're starting to, they're starting to grow the web there so I'm not sure that the in-law thing is enough. I would like to have Mr. White and whatever kind of take kind of take a look at that one more time, because in-laws are still your in-laws after divorce because of the kids. So that's my understanding, and I've been looking it up. There's questions both ways so I don't even know if we have a legal definition of an in-law. So that's my only concern. Everything else you know, all the other concerns have been mentioned so.

CHAIR HOKAMA: Thank you for bringing up a good point that we need to reflect and consider on, Mr. Couch, so thank you for that. Ms. Crivello?

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COUNCILMEMBER CRIVELLO: I can understand where Mr. White is going with this but you know in the culture that we are, we're all incestuous, we're all related one way or the other, and so how do you really dissect it when it comes to nepotism. I can see direct supervision perhaps that could be more of a strong consideration than as a whole as far as prohibiting any kind of employment. I know most nonprofits today you have to come up with a policy on nepotism and it's not so specific. It's how you defined it and maybe that's something we need to look further to as to what the law requires for nonprofits for the nepotism policy. So I don't know if I can support this at this time because if I look at just, if I just look at my genealogy I think I'm related to just about so many people so you know, it would be touch and go. Yeah.

CHAIR HOKAMA: Thank you. Yes, many of us have huge families and clans so I understand that comment very well. Mr. Carroll, any questions or thoughts?

COUNCILMEMBER CARROLL: Just about the same as my fellow Council members have passed on that I really think some thought needs to be given to this to make sure we don't violate doing our number one rule do no harm. Thank you.

CHAIR HOKAMA: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: I concur with my colleagues and very concerned, and I saw that you also had made some changes as of today and where you struck out violation articles. I guess there's a whole bunch of things like Ms. Baisa said more questions than answers at this point. And a more thorough review needs to be extended on this, and I'd like to know you know the question I would like a legal opinion on what in-laws mean, because ex-in-laws are not relatives as far as I've been told and have legal standing but I would want the legal beagles to give us a determination. I think that's important. And I guess the last thing I would really want to hear is how hanai plays into this. Because in Hawaii hanai is a big part of it. I have a hanai grandson and I give him all the rights in my family. I have no distinguish between him and the blood. So I would really want to know that because this is important. We're going to start saying these people especially when you're talking various areas, Police, Fire, when you know fathers, sons, grandsons, all follow each other. I'd become very concerned if and how would this play in to it you know. We make exemptions for us, let us not be Legislators like our Legislature who make exemptions on Sunshine Law and then the rest of us suffer the consequences. Let us not do what others have done to us. I guess that's my whole issue with this you know. I understand Mr. White's desire to protect and to make sure nepotism is not part of government. Nepotism is part of the private sector. I challenge anyone to tell me differently. Now there are rules and regulations that you work different division, different departments, your father can oversee your department, different you know different issues because I've been there. But you know in the resort industry I know there are many family members. Mothers, daughters, fathers, who all work in one hotel, I know that. So let us not be chastising something that we all, especially in Hawaii, we're very much accustomed to. That's part of our lifestyle. Something that I'm very concerned. So I couldn't support anything today. But I'll let them go work on it a little bit more and I may send a letter with my concerns to you, Mr. Chair so that those concerns could be addressed appropriately. Thank you, Chair.

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CHAIR HOKAMA: The Chair has heard your concern, Mr. Victorino, and the Chair will forward on behalf of the entire Committee the appropriate written request to the appropriate departments for some comment and advisory thoughts on the two questions as the Chair understood it prior to the next meeting for a response so that we can be better informed.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Yes, I too believe that this needs to be revisited and researched more. I understand the intent of Mr. White. I think even at the State level as mentioned they do have a proposed nepotism policy. It's to me, nepotism is, to have a nepotism policy is somewhat standard in the private sector. On the other hand, Chair, I think what we're talking about is what Chair Baisa is mentioning is that I think this would apply more so if it's a direct hire from a, let's say the Director has the full-on decision to hire versus having a system wherein one is appointed and then goes through a process like confirmation by the Senate or confirmation by the Council. I think there's a distinction between the two and if we can kind of compartmentalize those two I think we can come up with good legislation wherein if it's a direct hire from the department head there would be a section in there where he has to recuse himself and allow a body within his department to make that decision because we're just talking about a decision making whether...if the person is qualified so be it. If the person is related, I don't feel that it's going to jeopardize anything if the relative is not involved in the direct hire. So this could be drafted a little more narrowly so we can accommodate those situations. But thank you, Chair, for this opportunity.

CHAIR HOKAMA: Okay, the Chair has heard the Committee's concerns and so the Committee, the Chair and the Staff will consult and work with Mr. White as the original proposer of the legislation. I think the two items that I've heard that is very critical and major to the Committee is the, not the concept, but how we would deal with the practice of hanai because it is an ongoing thing, it does exist. And I believe also we've had enough comments regarding the phrase "in-law" that we should get some better grip on it. While I agree with Mr. Carroll, you know we should ensure that there is no harm, part of this process and why I brought it forward is to avoid harm. The State is responding to a situation in the Department of Health that has caused harm to the employees, physical harm. That is something in according to this Chair we will try and avoid within the confines and parameters of the County. So I'm happy, I'm going to, well before I make any comments I will ask Mr. Kushi once more if he has any additional comments that he would like us to be informed of, Mr. Kushi?

MR. KUSHI: Yes, Mr. Chair. Since it's going to come back to you later after Staff revises it with those comments and concerns and not to pile on or add fuel to the fire but would you like to address the issue of domestic partner, too?

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CHAIR HOKAMA: Okay, thank you very much. I think that is a very well needed to be addressed so we'll bring that on. I believe, I think, Corporation, your Deputy Ms. Oana brought up a good point regarding the criminality versus civil concern as well as whether or not who will be the administering and implementing component of the County to deal with this and have responsibility. I take those comments regarding the volunteer component of the Board of Ethics and their issues. And so we may need to consider something more appropriate that knows labor laws, understands collective bargaining, and the more appropriate may be Department of Personnel Services to have the policy, if adopted, be the ones that we consider for assignment of implementing and taking responsibility of this new County policy. Is there anything you have, the Chair would like, you would like the Chair to consider? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Yeah, I think the important point to remember is that, and this may not be, obviously it's not crafted well enough to be clear, but as Mr. Victorino said there are a lot of hotels that have family members and most hotels in Hawaii couldn't operate without having family members. But the rules generally don't allow family to work directly under family, and they don't allow the family to make the hiring decisions for family, and so I in my career I had a situation in which out of 80 employees, I believe about 20 came from one family. So it was a very, very difficult thing to balance, but the point is none of them were in supervisory positions hiring other family members, and that's I think the thing that I was hoping to start getting a handle on. I had many family members of other people's families working at my organization, but I won't hire any of my own kids or my wife or any other relative because it's, I just don't believe that's the right thing to do. I'm not suggesting that that's the way all departments should operate, but I think we have to have a sense of clarity and transparency as you mentioned as we make job offers and put people in roles that are being supervised by relatives. So that's my concern and I thank you for bringing this up.

CHAIR HOKAMA: Okay, thank you. Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you Chair. It's always good when we have a discussion like this and everybody gives their mana'o, it helps you to remember. You know in talking about my former situation I didn't mention it but it is true. Having direct supervision is a problem. You know if they were in another department and you had no day-to-day supervision it's not so bad. But when you're in the same office, same department, it does and could potentially cause issues with the other employees that you're supervising. I mean if you allow your wife to come in late every day it causes problems with the other employees. So this could be an issue. The other thing that I can verify that Ms. Crivello mentioned was it was an, it was a real burden on us in the smaller islands particularly on Molokai where everybody's related to everybody and it became very difficult to try and recruit. Many times we'd have open positions because we couldn't hire the daughter, the niece, the mother, or whatever. And so it is acute problem in small populations because you know everybody's related. Thank you.

CHAIR HOKAMA: Thank you for that comment. Any other questions or comments at this time for the Chair or our department representatives, Members? Okay, thank you very much. The Chair with

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no objections is going to defer this item and work on the areas that the Committee has brought up as well as our department representatives that has brought up for consideration for revision.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

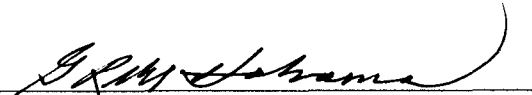
CHAIR HOKAMA: No objection. This item is deferred.

ACTION: DEFER pending further discussion.

CHAIR HOKAMA: And I thank you for your participation. It was a very good meeting in the Chair's perspective. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:34 a.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:140616

Transcribed by: Marie Tesoro

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CERTIFICATE

I, Marie Tesoro, hereby certify that 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 8TH of July 2014, in Wailuku, Hawaii

A handwritten signature in black ink, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro