

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

MINUTES

March 2, 2015

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member (In 9:04 a.m.)
Councilmember Stacy Crivello, Member (Out 11:54 a.m.)
Councilmember Don S. Guzman, Member (In 9:04 a.m.)
Councilmember Riki Hokama, Member (In 9:04 a.m.)
Councilmember Mike White, Member (In 9:17 a.m.)

STAFF: 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(5), -2(7), -2(8), -2(9), -2(10))
Jacob W. Verkerke, Chief Technology Officer, Information Technology Services Division, Department of Management (Item PIA-42)
Karen L. Sherman, Information Systems Analyst VI, Information Technology Services Division, Department of Management (Item PIA-42)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Brian Lehmann (Item PIA-2(5))
Michele McLean, Deputy Director, Department of Planning (Items PIA-2(5), -2(7))
Christy Kajiwara-Gusman, nominee, Maui County Cultural Resources Commission (Item PIA-2(5))
Winifred Basques (via telephone conference bridge, Lanai Council Office) (Item PIA-2(5))

Linda Fernandez, nominee, Fire and Public Safety Commission (Item PIA-2(5))
Jarrod Barfield, nominee, Lanai Planning Commission (Item PIA-2(5))
Candace Ariaga, nominee, Liquor Control Adjudication Board (Item PIA-2(5))
James Leary, nominee, Kula Agricultural Park Committee (Item PIA-2(8))
David Sereda, nominee, Urban Design Review Board (Item PIA-2(7))
Judy Egger, nominee, Affirmative Action Advisory Council (Item PIA-2(10))

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

CHAIR VICTORINO: . . .*(gavel)*. . . Good morning. The Policy and Intergovernmental Affairs Committee will come to order. This is March 2, 2015 and it's three minutes after 9:00 a.m. Sorry for the late start. I am the Chair, Michael Victorino, and I'd like to introduce the Members that are present at this time. Others will be joining us shortly. Our Vice-Chair of the Committee, Mr. Don Couch.

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

CHAIR VICTORINO: Good morning. Our Member from East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. Our lovely young lady from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: And the lovely young lady from Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR VICTORINO: Good morning. Excused at this time is, Elle Cochran, Riki Hokama, Don Guzman, and Mike White. They should be joining us shortly and Mr. White probably will be joining us somewhere after 10:00 a.m. due to some other commitments and meetings that he has to attend. At this time, I'd like to introduce the Administration. First of all, I'd like to introduce Mike Molina, Executive Assistant to the Mayor.

MR. MOLINA: Good morning, Mr. Chairman, and Committee Members.

CHAIR VICTORINO: Good morning. And then Ed Kushi, First Deputy Corporation Counsel.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. Our wonderful Staff and invaluable Staff Sharon Brooks who's sitting in for Kim Willenbrink, our Legislative Attorney. And Tammy Frias, our Committee Secretary. And at this time entering the room is our Member from Lanai, Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman.

CHAIR VICTORINO: Good morning. And then the young lady from West Maui, Ms. Elle Cochran.

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COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR VICTORINO: Thank you very much for joining us. And also entering the room is our Vice-Chair of the Council, Mr. Don Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I apologize.

CHAIR VICTORINO: So, we have eight Members at this time and one still excused. Moving right along I'd like to, with no objections, check with our District Offices at this time to see connectability. First of all, Dawn Lono from our Hana Office, Dawn, are you there?

MS. LONO: Yes, good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR VICTORINO: Thank you, Dawn. Denise Fernandez from our Lanai Office, Denise, are you there?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR VICTORINO: Thank you. And of course the young lady from Molokai, Ella Alcon, Ella, are you there? Ella, are you there? I know Ella was there earlier. I guess we'll try to make contact with the Molokai Office. Can you e-mail please? Just to make sure please? Ella, is that you?

MS. ALCON: Yeah, I got disconnected. Sorry, this is Ella Alcon on Molokai.

CHAIR VICTORINO: Okay, thank you, Ella. We will now go in to public testimony with no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Testimony will be limited to the items on today's agenda. If you wish to testify please sign up at the desk located in the lobby on the eighth floor. In pursuance to Rule 17-B, the Rules of the Council, for today's meeting testimony will be limited to three minutes. At two and a half minutes the light will turn yellow and at three minutes the light will turn, will start blinking red. I will ask you at that point if you are in the middle of a sentence to please conclude and kindly stop. When testifying please state your name and for whom you are testifying, or any organization for whom you are testifying for. We've established limited, as you see limited contact with our District Offices and to be fair, I will try to rotate throughout each site. So what I would like to do at this time is I would like to take public testimony in the Chamber. I have only two signed up at this time and then if there's any more, then I'll check with the District Offices and see if anyone else in the Chamber or has arrived to testify. First testifier is Brian Lehmann and he'll be testifying on PIA-2(5), Brian please. And then followed by Michele McLean.

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. . .BEGIN PUBLIC TESTIMONY. . .

MR. LEHMANN: Good morning, Committee Members. I'm Brian Lehmann. I'm commenting on the proposed reappointment of Christy Kajiwarra-Gusman to the Maui County Cultural Resources Commission. I e-mailed testimony to the Committee on Friday. If you look at the photo attached indicated by a white X, my approximate position at the time of the incident mentioned is in an approximate trajectory between a telephone pole and a stop sign. So I believe my ascertainment of not being on private property was reasonable. In any case, I'm unaware of any factors which would have justified being attacked by Ms. Gusman in the manner described. So I was quite amazed to subsequently learn this attack had come at the hands of a recently appointed Maui County government official. I was also quite dismayed upon viewing the previous Committee meeting that Ms. Gusman had responded to what I assume was the account of the incident I posted on Facebook by saying that was not the way it happened. I believe it's inappropriate to continue to attack me by impugning my credibility. So you have my testimony which I hope you'll consider carefully in reaching your decision on this appointment. Thank you for the opportunity to testify.

CHAIR VICTORINO: Thank you, Mr. Lehmann. Questions for Mr. Lehmann? Seeing none, thank you very much sir, I appreciate it. And then Michele McLean, and Michele will be speaking on PIA-2(5), plus, (5) and (7) and she is the Deputy Director of the Planning Department. Good morning, Michele.

MS. McLEAN: Good morning, Chair, Committee Members. My name is Michele Chouteau McLean, I'm your Deputy Planning Director representing the Planning Department today. And I spoke at your last meeting, so I'll keep this very brief and just summarize my comments from before. The Planning Department staffs eight permanent Boards and Commissions plus we also have the Community Plan Advisory Committees and the General Plan Advisory Committee when those are empaneled. So it's very important to us from an administrative perspective to have members of our Boards and Commissions that we can really work with, and we look for diverse opinions and an overall balance on those Boards and Commissions, and the nominees that are before you today for our Boards and Commissions we feel meet those goals. So I just ask for your support and I can be here today until about 10:00 if you have any questions as you go through. Thank you.

CHAIR VICTORINO: Thank you, Ms. McLean. Any questions for Ms. McLean? Seeing none. Thank you very much. Seeing no other testifiers in the gallery at this time, I will again make one more opportunity if you sign at the back desk and bring it forward. But let me at this point check with our District Offices. First of all, I'll start with the Hana Office. Dawn Lono, do you have anyone wishing to testify?

MS. LONO: There is no one waiting to testify at the Hana Office, Chair.

CHAIR VICTORINO: Thank you. Lanai, Denise do you have anyone wishing to testify?

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MS. FERNANDEZ: Chair, we currently have one testifier and that is Wini Basques and she's going to be testifying on item number PIA-2(5).

CHAIR VICTORINO: Go ahead, Ms. Basques.

MS. BASQUES: Good morning, how are you folks this morning, it's a cold morning. Okay, I am opposition these two gentlemen who did not show up when they signed in for do this Commissioner. What is going on? When they sign up it's an obligation to the community as well as to themselves. I cannot see these kind people signing up and not being at the office to testify on their behalf. I am in opposition for these two gentlemen. Thank you very much.

CHAIR VICTORINO: Thank you, Ms. Basques. But let me make one clarification. At the last hearing here, Mr. Clemens did attend. Mr. Barfield was unable to attend. So I just want that to be noted on the record, Ms. Basques.

MS. BASQUES: Correct. I have been on all these meetings on the island of Lanai--

CHAIR VICTORINO: Yes.

MS. BASQUES: --and I do not see him testifying on any subject that is on the agenda.

CHAIR VICTORINO: Thank you for that clarification. In other words, they haven't attended meetings in Lanai.

MS. BASQUES: I don't think it's right. I don't think it's ethical what they're doing over here. They're only here for themselves, not for the community as well.

CHAIR VICTORINO: Thank you very much. Any questions for the testifier? Seeing none, thank you, Ms. Basques, for your testimony.

MS. BASQUES: You're welcome and you have a good, great day.

CHAIR VICTORINO: Thank you my dear, you too. Anyone else in Lanai Office wanting to testify?

MS. FERNANDEZ: There's no one else waiting to testify on Lanai.

CHAIR VICTORINO: Thank you. Then I'll go to Molokai. Ella, do you have anyone wishing to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR VICTORINO: Do we have any more testifiers? Oh you know why, you turned 'em off, it's okay, I got it. Oh, sorry, right here, I apologize, sorry. We have one more testifier in the gallery. It's Ms. Christy Gusman testifying on PIA-2(5). Ms. Gusman, would you come up to the podium please.

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MS. KAJIWARA-GUSMAN: Good morning, Chair. Good morning, members of the Council. As you know my name is Christy Gusman and I am up for appointment for the Cultural Resources Commission. I noticed that Mr. Lehmann is here in the audience. I did not get his, get to hear his testimony as I was just called about 20 minutes ago and told that we were on schedule today. So in our last meeting, we were put on hold I guess for the investigation of our incident that happened. You know I found it a little disappointing that Ms. Cochran, Councilmember Cochran questioned my integrity about serving the County and the community and being on this Council...you know, quite frankly, because I was never arrested for armed robbery. But she submitted something, or showed something to us a few days ago, or the last time we were here. It consisted of about four or five pages and I don't think any of you are really interested in reading through this. But this is a record that I took to my attorney with pictures and everything that happened over the time that we were going through that election last year; pictures of my personal property being damaged, pictures of my home that was posted on Facebook publicly, comments about coming to my house to take me out, various different things. What I want the Council to remember today, also during the Maui County Fair, my nine-year-old son was approached by a child just a little bigger than him, a little white boy, not being you know in anyway biased or prejudiced, walked up to him for no reason because he was wearing a Vote No t-shirt and punched him in the stomach, okay. This is the kind of stuff that my family went through. Now, when I went to see my attorney, we looked over I think about four or five hundred names. Most of these people, I want you guys to remember, do not own homes. They do not pay property taxes here. The pictures that we have of cars with Vote Yes stickers in drive-through at McDonalds and other restaurants on the island, most of them their taxes is expired. We are the people that put you guys here in office to serve us and in return I want to serve you guys and I want to serve the members of our community—

MS. BROOKS: Two and a half minutes.

MS. KAJIWARA-GUSMAN: --that do what is right. I never missed a meeting. I've been to every single meeting since I was appointed and I love doing what I do. So I humbly ask for all of your support today so I can continue to serve on the CRC. Thank you very much.

CHAIR VICTORINO: Thank you, Ms. Gusman. Questions for the testifier? Seeing none, thank you, Ms. Gusman. Do we have any other testifiers? I'll give the gallery one more opportunity. Anyone wishing to testify? We have no one else signed in. I'll go to the District Offices. Lanai, do you have anyone wishing to testify?

MS. FERNANDEZ: There is no one else waiting to testify on Lanai.

CHAIR VICTORINO: Thank you. Molokai, anyone wishing to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

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CHAIR VICTORINO: Hana, is there anyone wishing to testify?

MS. LONO: There is no one waiting at the Hana Office.

CHAIR VICTORINO: Thank you, ladies, for your time. With no objections, I'm going to close public testimony for today's meeting.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

**ITEM PIA-2(5): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(VARIOUS) (CC 15-5)**

CHAIR VICTORINO: Today we have a pretty heavy agenda. We have five nomination items and an item relating to cybersecurity, and I have put that off for the past two meetings and I really, really would like to give them an opportunity to speak about cyber communication. At this time I would like to recognize the Chair of the Council, Mr. Mike White, thank you for being here.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: So today I will begin with Boards and Commissions that we have not been able to finish from last, the last meeting. However, item one for the Boards and Commissions were for the Fire and Public Safety, Lanai Planning Commission, Liquor Adjudication, and the Maui Cultural and Resource. The first item, the first two items I should say were members coming in from the outlying districts. The Lanaians have taken a boat, they're on their way in and with your permission I would like to push that item behind the others so that we can give them an opportunity to be interviewed when they arrive. Is there any objections to that?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very, very much.

ACTION: DEFER item until later in the meeting.

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ITEM PIA-2(8): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(KULA AGRICULTURAL PARK COMMITTEE) (CC 15-5)

CHAIR VICTORINO: So then we'll move to item number two, and this Committee is in receipt of correspondence dated February 10, 2015, received on February 10, 2015, from the Mayor, transmitting a proposed resolution entitled Appointment of a Member to the Kula Agricultural Park Committee for the County of Maui, along with the completed application form for the nominee. The proposed resolution is to approve or disapprove the appointment of James Leary to the Kula Agricultural Park Committee for a term expiring March 31, 2018, to fill the vacancy due to the resignation of Lorraine Brooks. There is no time limit for the Council to approve or disapprove this nomination. At this time I would like to ask Mr. Molina from the Administration to provide a few comments on the nominee, Mr. Molina.

MR. MOLINA: Thank you very much, Mr. Chairman, and good morning Committee Members. The Administration would like your support of Mr. Leary to the Kula Ag Park Commission or Committee. He would serve in the capacity as the UH Co-Op Extension Service Representative on that Board, and with that being said, I'm open for any questions with regards to his appointment, Mr. Chairman. Thank you.

CHAIR VICTORINO: Thank you. Members, any questions for Mr. Molina on Mr. Leary? You have the application in front of you so if you have any questions? Seeing none, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. Oh I'm sorry, oh I'm sorry. Would you like to hear from Mr. Leary, I apologize.

COUNCILMEMBER WHITE: Yes.

CHAIR VICTORINO: I'm moving this along, I really would. Mr. Leary would you come forward, I apologize for not giving an opportunity to say a few words, my apology.

MR. LEARY: I thought I was going to escape without having to say anything.

CHAIR VICTORINO: Yeah no, no luck, Mr. Leary, sorry.

MR. LEARY: Good morning, Chair. Good morning, Committee Members. Yes, so my name's Dr. James Leary with the University of Hawaii. I'm a specialist which, with split appointments. So my area of expertise is in weed management with research and extension located on Maui. I've been here for six years now. I've worked collaboratively with the Maui Invasive Species Committee, also the Maui Cattleman's Association working on problems that improve the productivity of our natural resources, watersheds, and agricultural systems. So I have a background in horticulture, weed management, and molecular ecology, and I look forward to

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opportunities to serving on the Kula Ag Park Committee and that's it. Thank you very much.

CHAIR VICTORINO: Thank you very much, very impressive, very impressive. I'll start with the District Representative, Ms. Baisa. Would you like to, any questions for Mr. Leary?

COUNCILMEMBER BAISA: Thank you very much, Chair. No questions. But I am very impressed with your background. It's very appropriate. I served on the Kula Ag Park Committee myself for four years so I'm familiar what it does and I think it's wonderful. Thank you for volunteering.

MR. LEARY: Thank you very much.

CHAIR VICTORINO: Mr. Carroll, do you have any questions?

COUNCILMEMBER CARROLL: No questions. Just I'm very pleased with the applicant's knowledge in the area. Thank you.

CHAIR VICTORINO: You're welcome. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. No questions but I've got lots of fireweed for him to take a look at.

MR. LEARY: We have a solution for that.

CHAIR VICTORINO: Okay. Mr. Guzman?

COUNCILMEMBER GUZMAN: No further questions. Thank you.

CHAIR VICTORINO: Mr. Hokama? No. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No further questions.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: No questions.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: None at this time. Thank you.

CHAIR VICTORINO: Okay. I think you're good.

MR. LEARY: Thank you very much.

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CHAIR VICTORINO: Thank you. So now with no more discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to approve the nomination of James Leary to the Kula Agricultural Park Committee for a term expiring March 31, 2018. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve the resolution entitled Appointment for a Member of the Kula Agricultural Park Committee for the County of Maui by moving the name James Leary to Exhibit "B".

COUNCILMEMBER BAISA: Second.

VICE-CHAIR COUCH: Mr. Chair, do you want to file the one communication or leave that open?

CHAIR VICTORINO: Recess. . . .(gavel). . .

RECESS: 9:22 a.m.

RECONVENE: 9:22 a.m.

CHAIR VICTORINO: . . .(gavel). . . The meeting will reconvene. Yeah, we will file, and also filing of County Communication.

VICE-CHAIR COUCH: No. No. The correspondence dated February 10.

CHAIR VICTORINO: The correspondence. Never mind. I was told we don't have to file it because it was a direct communication.

VICE-CHAIR COUCH: Gotcha.

CHAIR VICTORINO: Alright. No problem. We're all learning. Go ahead. So I have the motion and a second from the, I had a motion made by Mr. Couch, seconded by Ms. Baisa. Any discussion? Seeing none, all those in favor say "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show nine ayes, no noes, and no excused. Thank you very, very much.

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

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NOES: None.

EXC.: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution approving the nomination.

ITEM PIA-2(9): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF ETHICS) (CC 15-5)

CHAIR VICTORINO: Moving on to item number three. The Committee is in receipt of correspondence dated February 12, 2015, received on February 12, 2015, from the Mayor, transmitting a proposed resolution entitled Appointment of a Member to the Board of Ethics for the County of Maui, along with the completed application of the nominee. The proposed resolution to approve or disapprove the appointment of Sara Gadarian to the Board of Ethics for the term expiring March 31, 2015, to fill the vacancy of the resignation of--wait, Inaba I know is the last name, how do you pronounce the first name, Lilah, okay--Lilah Inaba so who has resigned. I'm sorry. The Council may approve or disapprove the nomination by April 13, 2015, or the nomination would be deemed approved. This is a very short appointment because it expires at the end of this month. Now Ms. Gadarian was here at our last meeting and spoke so I didn't ask her to come back. I think we all had an opportunity, those that were here had an opportunity to hear from her. So at this time, Mr. Molina, is there anything else you would like to add?

MR. MOLINA: Yes, thank you very much, Mr. Chairman, if you'd allow me to provide a clarification on this appointment. As you recall, Ms. Gadarian was previously approved by you in Committee back at the February 18th meeting for a five-year term. The person she is replacing, Ms. Inaba, had indicated to us via e-mail back in early October of 2014, her intentions to resign but never formally at that time submitted a signed resignation letter which is required by Code. So it took us some time to finally get her to submit a signed resignation letter which didn't occur until sometime in mid-January. So considering the short time left on Ms. Inaba's term, the Administration had basically two choices; either to fill the vacancy, or miss the deadline and give the Council the responsibility to fill the vacancy in which the Council could choose to either fill it or let the term expire without an Ethics Board Member, leaving the Board with basically only eight people. Ms. Gadarian again as I mentioned whom you had approved back in February 18th, agreed to have her name just put on this for consideration. It may be more of a formality because by the time, assuming she passes out of Committee today and then it goes on to Council, there is a

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chance she may not be approved in time for the Board's next meeting. But just in case the Board decided to have a special meeting just to be on the safe side, it would've been more appropriate to have a person fill in that slot just in case there was you know an important special meeting that would come up aside from the normal once-a-month meeting of the Ethics Board. So that in a nutshell is why we have this here today. So if there is no other Ethics Board meeting or she's unable to attend this meeting coming up, it may be looked at more of, as sake of formality. So that is how we arrived at this point, Mr. Chairman. Thank you. And I'm open for any questions.

CHAIR VICTORINO: Well, thank you and now that's been clarified. I feel better, a lot better. 'Cause I was kind of curious how this all came about. Thank you for that clarification. Questions for Mr. Molina? Seeing none, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR VICTORINO: Members, the Chair would like to entertain a motion to approve the nomination of Sara Gadarian to the Board of Ethics for a term expiring March 31, 2015. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve the resolution entitled Appointment of a Member to the Board of Ethics for the County of Maui by placing the name of Sara Gadarian to Appendix [*sic*] "B".

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Ms. Baisa to approve the nomination of Sara Gadarian to the Board of Ethics for a term expiring March 31, 2015. Any more discussion? Seeing none, all those in favor, say "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show nine ayes, no noes, and no excused. Thank you very much.

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

NOES: **None.**

EXC.: **None.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

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ACTION: Recommending ADOPTION of revised resolution approving the nomination.

ITEM PIA-2(7): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (URBAN DESIGN REVIEW BOARD) (CC 15-5)

CHAIR VICTORINO: Moving on to the item number four, Nominations to Boards and Committees, this one is, we are in receipt of correspondence dated February 23, 2015, from the Department of Corporation Counsel, transmitting a revised proposed resolution entitled Appointment of a Member to the Urban Design Review Board for the County of Maui. The proposed resolution proposes to have the approval or disapproval of the appointment of David Sereda to the Urban Design Review Board for a term expiring March 31, 2020. This one has no time limit for Corporation Counsel, for the Council to approve or disapprove this nomination. This nomination was deferred from the last meeting so that the Committee would be allowed to speak to Mr. Sereda and to his qualifications to serve on this County Board and related to his citizenship. Mr. Molina is, was here representing the Administration, he provided us some information about David's citizenship. So at this time, Mr. Molina, I'll call David up to the podium and, Mr. Molina, would you like to inform the Members of the concerns you had and what you have found out since?

MR. MOLINA: Yes. Thank you very much, Mr. Chairman and Committee Members. Prior to the last meeting, Mr. Sereda did disclose to us that he was a Canadian citizen and he was certainly concerned about his eligibility to serve on a County Board or Commission, and we certainly appreciate his honesty in coming forward with this disclosure which is why we asked for your consideration to defer decision making on this matter at the February 18th meeting. Since that time, Mr. Sereda has submitted a letter declaring his current status which I believe should be in your binder, and it has been deemed by Corporation Counsel that he is eligible to serve under HRS and with your permission, Mr. Chair, I'd like to defer to Corp. Counsel for a more detailed explanation.

CHAIR VICTORINO: That would be fine. Mr. Kushi, would you like to give us a more clarified explanation please?

MR. KUSHI: Yes, Mr. Chair. Mr. Molina requested my office to look into this as far as qualifications to serve on Boards and Commissions, and my understanding is that well, based on our research, there's nothing in the County Code, nor the County Charter about citizenship for Boards and Commissions, Maui County. There is an HRS section though that covers all Boards and Commissions Statewide and basically says that they shall be either a citizen or a permanent resident alien, which I believe Mr. Sereda has shown proof of, and be a resident of the County at the time of appointment. So with that being said, we feel Mr. Sereda is qualified in terms of citizenship.

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CHAIR VICTORINO: Mr. Kushi.

MR. KUSHI: Yes.

CHAIR VICTORINO: I was informed that we did not receive anything from your office, or maybe Mr. Molina can get me some clarification 'cause there's nothing in the binder as I was looking for it. Go ahead.

MR. MOLINA: Thank you, Mr. Chairman. Sorry, I would assume that we had forwarded you the Mr. Sereda's citizenship status letter. Apparently it never got forwarded to you. I thought we had, but anyway we will certainly get a copy of his letter to you. I'm not sure if maybe Mr. Sereda has a copy of his letter for you that you could make copies if you wanted in the more immediate fashion. But we apologize for that.

CHAIR VICTORINO: Mr. Sereda, do you have a copy of that letter in question?

MR. SEREDA: I don't have a copy with me, no.

CHAIR VICTORINO: Okay, David, no problem. You don't have a copy with you either, Mr. Molina?

MR. MOLINA: I have it in my office. I could ask folks upstairs.

CHAIR VICTORINO: While we interview Mr. Sereda, would you kindly get that for us? Could someone bring it up and then we can make copies and pass it out to the Committee Members? Thank you, Mr. Molina. Mr. Sereda, good morning.

MR. SEREDA: Good morning.

CHAIR VICTORINO: Nice to see you, sir.

MR. SEREDA: You too.

CHAIR VICTORINO: And I will disclose that I've known Mr. Sereda for a while because we are fellow Knights of Columbus and he's a member of the St. Joseph Church up in Makawao. So I've known Mr. Sereda for quite a while. Mr. Sereda, would you like to go ahead and give a little history of yourself please.

MR. SEREDA: Sure, thank you and good morning. My name is David Sereda, I'm a landscape architect. I work for Chris Hart and Partners here in Wailuku and I've been employed there since 2001. I grew up in Canada and lived several years overseas as well in different parts of the world. But from an education standpoint, I have a Bachelor's Degree in Economics from the University of Alberta, and a Master's Degree in Landscape Architecture from the University of British Columbia in Vancouver. And like I said I moved here in 2001 and have been working as a landscape architect for Chris Hart and Partners. The reason I would like to serve on the UDRB is you know having presented at that many times, I feel like I have a fairly good understanding of

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its values and its intent and its purpose that it serves on Maui and I fully support that. And I think that UDRB brings a certain level of commitment to a certain level of quality for its design and development projects that come before it and I fully support that. I think that's what Maui deserves and what the community deserves is that increased level of quality.

CHAIR VICTORINO: Okay, thank you. Questions for the nominee? I'll start with our Vice-Chair, Mr. Couch and we'll just move down the line, Ms. Cochran and so forth. Go ahead, Mr. Couch.

VICE-CHAIR COUCH: No questions at this time.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. No I think, thank you for the willingness to volunteer and serve. Just I think the overall question we always ask is the time constraints if any on your behalf.

MR. SEREDA: I'm willing to make the commitment, I understand the time constraints, I understand you know what the commitment is on a weekly, monthly, yearly basis, and I've spoken with my employer and he fully supports my decision to serve, and I'm willing to make that commitment. I think it's important enough to do that.

COUNCILMEMBER COCHRAN: Okay, well very good. Thank you very much. Thank you, Chair.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: No questions. But thank you very much.

CHAIR VICTORINO: Mr. Carroll?

COUNCILMEMBER CARROLL: No questions.

CHAIR VICTORINO: Thank you. Mr. White?

COUNCILMEMBER WHITE: No questions. He looks very well qualified.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: I'm very familiar with Mr. Sereda's qualifications. So I'm satisfied. Thank you.

CHAIR VICTORINO: Thank you. Mr. Hokama? And Ms. Crivello?

COUNCILMEMBER CRIVELLO: No questions.

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CHAIR VICTORINO: Thank you. Would you prefer waiting for the letter for clarification or are you okay with me making my recommendation?

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay.

MR. SEREDA: Excuse me.

CHAIR VICTORINO: Yes, Mr. Sereda. I'm sorry.

MR. SEREDA: Sorry, you know I, let me just, allow me to add also about in terms of my citizenship.

CHAIR VICTORINO: If that's alright with the Members.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Yeah, okay go ahead, Mr. Sereda.

MR. SEREDA: So in 2001 I moved here on a Professional Temporary Visa which is an annual renewable visa called a TM. And so I had that visa for about six years before I married a girl from Maui and then got my permanent resident status in 2007. The permanent resident status is another name for a green card so that, so I'm a permanent resident of the US but a Canadian citizen. Thanks.

CHAIR VICTORINO: Okay. Any more questions on that or are we okay? Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Are you, thank you for being here, are you planning to be a citizen? Or are you going to retain your Canadian citizenship?

MR. SEREDA: I am planning on becoming a US citizen eventually, yes.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR VICTORINO: Okay, anything else? Okay thank you, Mr. Sereda.

MR. SEREDA: Okay.

CHAIR VICTORINO: You can have a seat now.

MR. SEREDA: Thanks.

CHAIR VICTORINO: Thank you. So with no further discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

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CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to approve the nomination of James [sic] Sereda to the Urban--I lost my spot, sorry one moment please, okay thank you--the approval to Appointment of a Member to the Urban Design Review Board for the County of Maui, expiring March 31, 2020. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the proposed resolution entitled Appointment of the Members of the Urban Design Review Board for the County of Maui by adding the name of Mr. David Sereda to Appendix [sic] "B".

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Ms. Baisa to approve the appointment of David Sereda to the Urban Design Review Board for the term expiring March 31, 2020--we have somebody new, so please forgive me--and to make any nonsubstantive revisions to the resolution itself. All those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All those opposed? Let the record show nine ayes, no noes, and no excused.

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

NOES: None.

EXC.: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution approving the nomination.

ITEM PIA-2(10): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (AFFIRMATIVE ACTION ADVISORY COUNCIL) (CC 15-5)

CHAIR VICTORINO: Moving right along, we will now go to, okay we will now look at County Communication February 19th, oh excuse me, the Committee is in receipt of County Communication February 19, 2015, received on February 19, 2015 from the Mayor,

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transmitting a proposed resolution entitled an Appointment of a Member to the Affirmative Action Advisory Council for the County of Maui, along with the completed application form for the nominee. The proposed resolution is to approve or disapprove the appointment of Judy Egger to the Affirmative Action Advisory Council for the term expiring March 31, 2018 and to fill the vacancy of the resignation of Mr. Michael Kawagishi. The Council must approve or disapprove this nomination by April 20, 2015 or the nomination will be deemed approved. Mr. Molina who is representing the Administration will have a few comments, and is Ms. Egger here? Yeah okay, you are here. Okay. Mr. Molina, I will let you start and, Ms. Egger, if you would come to the podium? Thank you.

MR. MOLINA: Thank you very much, Mr. Chairman and Committee Members. The Administration is pleased to have Ms. Egger apply for this position which is a requirement to have a County employee on the Affirmative Action Advisory Council. Ms. Egger is currently employed as a Systems Analyst for the County of Maui and has also been involved in several community I guess organizations; one namely the past Chairperson for the Seabury Hall Craft Fair, and she has certainly expressed an enthusiasm in wanting to continue to serve and give back to our community. So we are indeed grateful for her wanting to volunteer her time, and she did clear with us that she has the, I guess, the approval or it wouldn't be a problem for her to attend meetings for this Advisory Council. They typically meet I believe in the early afternoon. But they do not meet as frequently as some of our other Boards and Commissions which typically meet once a month. This particular Commission or Council meets more on an as-needed basis, so roughly two, three, maybe four times a year. So with that being said I'll yield the floor to Ms. Egger. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you, Mr. Molina. Ms. Egger. Good morning.

MS. EGGER: Hello. It's Judy Egger.

CHAIR VICTORINO: Oh, Egger.

MS. EGGER: Many people mispronounce that so don't feel bad.

CHAIR VICTORINO: Okay. Thank you.

MS. EGGER: I was only on the Shift Committee, the Chairman of the Shift Committee for the Craft Fair because to be the overall Chairman would be a daunting task. I have been a County employee for about ten years and I work for the IT Services Division. I had filled out an application to serve on a Board because my children are grown up and I figured it was time to give back to the community.

CHAIR VICTORINO: Okay. Thank you. Mr. Couch, we'll start with you.

VICE-CHAIR COUCH: No questions.

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CHAIR VICTORINO: No questions. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No questions. Thank you.

CHAIR VICTORINO: Mr. Hokama? Mr. Guzman? No questions? Mr. White?

COUNCILMEMBER WHITE: No questions. Thank you.

CHAIR VICTORINO: Mr. Carroll? Ms. Baisa?

COUNCILMEMBER BAISA: No questions. Thank you very much.

CHAIR VICTORINO: And Ms. Cochran?

COUNCILMEMBER COCHRAN: Not at this time. Thank you.

CHAIR VICTORINO: Okay very good, so thank you and you may have a seat.

MS. EGGER: Thank you.

CHAIR VICTORINO: At this time if there's no further discussion, I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to approve the nomination of Judy Egger to the Affirmative Action Advisory Council for the term expiring March 31, 2018. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve a proposed resolution entitled Appointment of a Member to the Affirmative Action Advisory Council for the County of Maui by placing the name of Judy Egger to Exhibit "B".

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR VICTORINO: The motion has been made by Mr. Couch, seconded by Ms. Baisa to approve the nomination of Judy Egger to the Affirmative Action Advisory Council for a term ending March 31, 2018. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show nine ayes, no noes, and no excused. Thank you very, very much.

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

NOES: **None.**

EXC.: **None.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: **Recommending ADOPTION of revised resolution approving the nomination.**

ITEM PIA-2(5): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (CC 15-5)

CHAIR VICTORINO: At this time, the Lanaians are still on their way and with your permission I would like to take a morning recess and call up the IT Department and have them do their presentation, and we will take the Lanaians after they arrive. They may not be here for another 15 to 20 minutes and I don't want to, I mean, I just want to give everybody enough time. So is there any objection to moving these nominations to back of the calendar for today?

COUNCILMEMBERS: No objections.

ACTION: **DEFER item to the end of the calendar.**

CHAIR VICTORINO: Okay. So we'll take a ten-minute break. I'll ask everybody to come back at 9:55 and at that point we will do our IT cyber issue with all of you. So this meeting now stands in recess. . . .(gavel). . .

RECESS: **9:43 a.m.**

RECONVENE: **9:59 a.m.**

CHAIR VICTORINO: . . .(gavel). . . Policy and Intergovernmental Affairs Committee. At this time we're going to pick up PIA-42 Cybersecurity.

ITEM PIA-42: CYBERSECURITY (CC 13-226)

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CHAIR VICTORINO: The Committee is in receipt of County Communication 13-226, from Councilmember Riki Hokama, relating to cybersecurity, including the County's role in cybersecurity and the current practices in dealing with cybersecurity issues. Today we have Ms. Sherman and Mr. Jacob Verkerke from the, Ms. Sherman's first name is Karen, and Mr. Jacob Verkerke who are here from the IT Division. Would you please join us at the Administration table and they're there. Thank you very, very much. At this time, I'm going to allow them if they want to, if they want to say anything in public they may. But I am pursuing this meeting into executive session because there are items that need to be discussed in executive session. So at this time, I will open the floor to Mr. Verkerke or Ms. Sherman for any opening comments. Mr. Verkerke.

MR. VERKERKE: Good morning, Chair and Members of the Committee. Thank you for this opportunity to provide you with an update on the County's efforts to provide appropriate cybersecurity. As you may recall the last time we were here we had announced that we were participating in a self-assessment and were submitting the documents to the various Federal organizations that deal with that. We have received the results and their opinion of what we submitted to them and we'd like to discuss that with you as it will touch on current strengths and weaknesses and our intents of how to mitigate that. I'd prefer not to get into the details in open session. But I would welcome any questions that would be appropriate for open session. Thank you.

CHAIR VICTORINO: Thank you and I will give anyone an opportunity, starting with Mr. Hokama since this was his communication, in open session. But again be cognizant that we are, these are very sensitive issues and we would, I would really prefer going into executive session to have a full and detailed report from the IT Department. But I'll start with you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And thank you for providing this item and opportunity for today's agenda. I will just say that this is a national issue, or should I say a national crisis. I mean in Hawaii we just read when we were at our national conference HMSA got hit. So for many of us that's our personal history, our medical history, our personal information that may be compromised. So this is a new world we live in. Homeland Security is definitely concerned about the levels of Cybersecurity for not only government but our critical businesses that require confidential integrity, and I think that as we are moving forward from the enforcement component, one of the things that I believe will be critical in the appropriate venue would be how this County's going to deal with forensic requirements with the ability for us to ensure that we can get the bad guy and punish the bad guy as quickly and as heavily as possible. So those are some of the things, it's a new world regarding insurance and other components regarding this subject matter. So I would await Mr. Verkerke in the right venue to be able to share with the Committee the critical information. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama, and I would like to recognize also that at our NACo legislative conference, Mr. Couch and Ms. Cochran attended some of the seminars when it came to cybersecurity and cyber issues and I want to thank them. For some of the rest of us, we were busy with other meetings so we couldn't be there.

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ABSTAIN: None.

MOTION CARRIED

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

CHAIR VICTORINO: Thank you. We will take a brief recess to go into executive session. This Committee stands in recess. . . .*(gavel)*. . .

RECESS: 10:06 a.m.

RECONVENE: 11:04 a.m.

CHAIR VICTORINO: . . .*(gavel)*. . . Policy and Intergovernmental Affairs Committee will reconvene. Thank you very much for that executive session. At this time I would like for County Communication 13-226, I would like to ask that that item be deferred so that we can continue working on it. Any objections to deferral?

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: MW).

CHAIR VICTORINO: Thank you very, very much.

ACTION: DEFER pending further discussion.

ITEM PIA-2(5): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(VARIOUS) (CC 15-5)

CHAIR VICTORINO: Okay, moving on. The item number one, we will start with Fire and Public Safety Commission. Our next nominee is from the island of Lanai, Linda Fernandez. Oh, wait a minute. I gotta, I don't have Mr. Molina. Can you check on Mr. Molina please and then in the meantime, if, Ms. Fernandez, you'd like to come to the podium please. You all have her nomination form in the folders. So Linda--

MS. L. FERNANDEZ: Yes.

CHAIR VICTORINO: --welcome. Thank you for taking the time today to come all the way from Lanai to join us here.

MS. L. FERNANDEZ: You're welcome.

CHAIR VICTORINO: And I would like to give an opportunity to give an open, an open statement as far as you and what you've done and what you believe you will bring to

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this Public Safety Commission, Fire and Public Safety Commission I should say, excuse me. Go ahead, Ms. Fernandez.

MS. L. FERNANDEZ: My name is Linda Fernandez. I'm from Lanai. I've worked on the Liquor Adjudication Board for the last five years, this is my last month. I feel for the Fire Commission, I want to see like you know, Lanai is growing so I want to make sure that you know I'm part of the safety for, so we have like adequate equipment just in case we have like a big fire and all that kind of stuff and you know we have like the proper equipment to you know kill fires and stuff. And I feel, I want to be on the Fire Commission and help out the committee and stuff. And I really enjoyed the Liquor Adjudication a lot. If I could go back on, I so would.

CHAIR VICTORINO: So you enjoyed that very much.

MS. L. FERNANDEZ: I loved it. I really loved it. I've learned so much.

CHAIR VICTORINO: So when you, let me ask you this question then. Did you make this your second choice or your first choice for reappointment or re-service to the community?

MS. L. FERNANDEZ: I was actually, I'm not really sure. I was offered it....

CHAIR VICTORINO: Okay.

MS. L. FERNANDEZ: ...you know, asked if I wanted to be on it.

CHAIR VICTORINO: Okay, you were offered this, okay.

MS. L. FERNANDEZ: Yeah.

CHAIR VICTORINO: Thank you. So I will turn to the Lanaian representative, Mr. Hokama of Lanai, you know these people and you're part of that community so I'll start with you and then work our way around. Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Ms. Fernandez has regularly shown interest in her community. She participates very actively, she currently serves us as a Liquor Adjudication Commissioner. I believe if you check her record, I believe she attends every single meeting, I may be one meeting off or so, but she takes her responsibilities very seriously and I think she would make a fine Commissioner for the Fire and Public Safety Commission to represent Lanai's interests. So I am in full support of her confirmation, Mr. Chairman.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I would adopt the recommendations of our, my colleague from Lanai. Thank you.

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CHAIR VICTORINO: Mr. Carroll?

COUNCILMEMBER CARROLL: Just a comment, thank you so much for volunteering.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER BAISA: No questions. Thank you so much for your service and it appears you're just suited to do this kind of work. Thank you.

MS. L. FERNANDEZ: You're welcome.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. No questions. I will take to heart the comments from Mr. Hokama and thank you for service to the community. Thank you very much. Thank you, Chair.

CHAIR VICTORINO: Mr. Couch.

VICE-CHAIR COUCH: No comment.

CHAIR VICTORINO: Ms. Crivello.

COUNCILMEMBER CRIVELLO: No comments, Chair.

CHAIR VICTORINO: Thank you, and I will add that, thank you very much—

MS. L. FERNANDEZ: Okay.

CHAIR VICTORINO: --and thank you for coming today and you may have a seat.

MS. L. FERNANDEZ: Thank you for having me.

CHAIR VICTORINO: Thank you. The Chair would like to make his recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to approve the nomination of Linda Fernandez to the Fire and Public Safety Commission for a term expiring March 31, 2020. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Can I have a short recess?

CHAIR VICTORINO: Recess. . . .*(gavel)*. . .

RECESS: 11:09 a.m.

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RECONVENE: 11:09 a.m.

CHAIR VICTORINO: . . .*(gavel)*. . . The Policy and Intergovernmental Affairs Committee will reconvene. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to put the name of Linda Fernandez on Exhibit "B" for the outstanding motion, the outstanding resolution. Thank you.

CHAIR VICTORINO: Thank you. Mr. Hokama.

COUNCILMEMBER HOKAMA: Second.

CHAIR VICTORINO: Second. It's been moved by Mr. Couch, seconded by, Mr. Hokama to approve the nomination of Linda Fernandez to the Fire and Public Safety Commission for a term expiring March 31, 2020. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show eight ayes, no noes, and one excused at this time, Chair White. Thank you very much, Ms. Fernandez, and congratulations.

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

NOES: None.

EXC.: Councilmember White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVING the nomination of Linda Fernandez to the Fire and Public Safety Commission.

CHAIR VICTORINO: The next nominee, unfortunately, I have to inform the Committee that we have received an e-mail direct from Mr. Meyer asking to withdraw his application because of a new job, and unfortunately he has....you know, he has at least let us know up front that he is unable to make the meetings and so that he would like to withdraw his name. So it is my hope that we can find someone in Molokai very soon. And Mr. Molina, would you like to make any further comments as far as the withdrawal of Mr. Meyer and what the Mayor is planning to do?

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MR. MOLINA: Okay, thank you very much, Mr. Chairman and Committee Members. Yes, it's unfortunate that Mr. Meyer has indicated that he is unable to serve due to employment considerations, but we are in the process, upon hearing that, of looking for someone and we certainly invite the island representative, Councilman Crivello, as well as anyone else if there are some names that you would like the Administration to consider to fill this vacancy.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER CRIVELLO: I understand there are applicants and some very qualified applicants --

MR. MOLINA: Yes.

COUNCILMEMBER CRIVELLO: --that have submitted to sit on this Commission as well as an individual who actually initiated a wildfire task force on Molokai. So I would hope you would take that name and application into consideration, and really I would appreciate it if you would check with the district because I was aware of Mr. Meyer's situation and made the contact with him as to how he was going to be able to participate, although I appreciate his interest as a young leader. Thank you.

MR. MOLINA: Thank you.

CHAIR VICTORINO: Thank you very much. So with no more further discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to move to disapprove the nomination of Mr. Elgin Keahi Meyer to the Fire Public and Safety Commission for the term expiring March 31, 2020. Disapprove. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to move the name of Elgin Keahi Meyer to Exhibit "C" on the resolution before us.

CHAIR VICTORINO: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Second.

CHAIR VICTORINO: Thank you. It has been moved by Mr. Couch, seconded by Ms. Crivello to disapprove the nomination of Mr. Elgin Keahi Meyer to the Fire and Public Safety Commission for the term ending March 31, 2020. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

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CHAIR VICTORINO: Opposed? Let the record show eight ayes, no noes, and one excused, Chair White.

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

NOES: None.

EXC.: Councilmember White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: DISAPPROVING the nomination of Elgin Keahi Meyer to the Fire and Public Safety Commission.

CHAIR VICTORINO: Moving right along. We now move to the Lanai Planning Commission. Our first nominee for the Lanai Planning Commission is Mr. Jarrod Barfield and if Mr. Barfield would come down, he is present, come down to the podium for an opening introduction and some statements. But before you do that, I will call upon Mr. Molina for any comments that he would like to bring forward, please.

MR. MOLINA: Yes, thank you very much, Mr. Chairman. The Administration is pleased that Mr. Barfield has made himself available to be considered for a position on the Lanai Planning Commission. He is involved with several community I guess organizations as noted on his application, I guess a softball organization as well as he's also active with his employment and also his union activities as well and he is a Lanaian, and we're certainly appreciative of the fact that he is wanting to contribute to the community and lend his thoughts on the Lanai Planning Commission. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you very much. Mr. Barfield, an opening statement please.

MR. BARFIELD: Good morning, Chair. Good morning, ladies and gentlemen of the Council. My name is Jarrod Barfield, I've been an island resident for the past 35 years. I spent five years in the military, served three tours in the Gulf War, and came home to continue my life back on Lanai where I was born and raised. As my testimony and as my application says, I did serve on CPAC for ten months and so I am well aware of the plans and the growth of the future for Lanai, and I want to continue to be a steward and the voice for people who may not be able to speak or cannot speak for themselves. So I'm a very large advocate of keeping Lanai, Lanai. But we also need to grow, and we also need to be sustainable. So I want to help to facilitate that.

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CHAIR VICTORINO: Thank you, Mr. Barfield. I will again give the representative from Lanai first option for questions, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I don't have any questions for Mr. Barfield. I know his family. He is a Lanaian and I think he represents a component of our community that I find encouraging. I would love to have more, not that it's an age thing, but it's good to see our young residents taking their proper places in governance in our community, especially those that are born and raised there, that understand our history, understand how we got there and where we would like to go as a community; being sensitive that we retain who we are as Lanaians 'cause there's only a few thousand of us. So it's a special thing to be a Lanaian and not everyone is, unfortunately, Chairman, so thank you.

CHAIR VICTORINO: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No comments. Thank you, Chair.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and thank you, Mr. Barfield, for being here. And thank you for serving on the CPAC. I know that was a tough one to do and you're obviously pretty much aware of the same time commitment or if not more for the Lanai Planning Commission, is that right?

MR. BARFIELD: Yes I am, Mr. Couch. Currently, my wife sits on the Planning Commission. She'll be coming off this year and then I'll be going on. So I am, I have been active since CPAC.

VICE-CHAIR COUCH: So you know the homework that's involved then?

MR. BARFIELD: I do.

VICE-CHAIR COUCH: Okay. Thank you.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, no questions at this time. Thank you.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER BAISA: No questions. But I would like to thank you, Mr. Barfield, for your military service, that's wonderful. We're very grateful for that and that you want to continue serving your community. I think you bring what we need to the Commission. Thank you so much.

MR. BARFIELD: Thank you, Ms. Baisa.

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CHAIR VICTORINO: Mr. Carroll?

COUNCILMEMBER CARROLL: Yes, thank you. Thank you for volunteering to serve your community.

MR. BARFIELD: Of course, thank you.

CHAIR VICTORINO: And, Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I have no questions. I just would like to thank Mr. Barfield for his service and it looks like he's very well qualified and his character is, I'm going to refer to Mr. Hokama in terms of that. So I'm very satisfied. Thank you, Chair.

CHAIR VICTORINO: Thank you, and I will close by saying, Mr. Barfield, I have known you for a number of years and worked with you and I know you have the entire package that brings Lanai into the next dimension, you know into the next scope of where they need to go; and I think this balance is going to be very important and I believe it's all in the family, now your wife comes off, you come on. I mean the discussion on the kitchen table will be the same --

MR. BARFIELD: Correct.

CHAIR VICTORINO: --just from different entities now.

MR. BARFIELD: Yes.

CHAIR VICTORINO: From different perspectives, right? So good, I'm very happy and you're right, Mr. Hokama, we need the young ones to start stepping up, because some of us older guys need to look at going out to pasture in the not-too-distant future. You know, I see it, I see it. But you know, if we've got good young ones ready to step in you know, and don't worry, Ms. Baisa, I was not referring to you. I was talking about the guys.

COUNCILMEMBER BAISA: You better not be.

CHAIR VICTORINO: I noticed your reaction was immediate and profound.

COUNCILMEMBER BAISA: Some of us old people know what we're doing, believe it or not.

CHAIR VICTORINO: Yeah, no that wasn't the question, that was not the question. It's good to get engagement of all levels --

COUNCILMEMBER BAISA: Yeah, I agree.

CHAIR VICTORINO: --and engagement, yes? Okay. So thank you. You may have a seat, Mr. Barfield.

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MR. BARFIELD. Thank you, Chair. Thank you, Councilmembers.

CHAIR VICTORINO: Okay, thank you. Is there any further discussion? Seeing none, then I would like to make my recommendation if I may.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Oh I'm sorry, Mr. ...

COUNCILMEMBER HOKAMA: Would you consider taking all the nominees for the Lanai Commission under one...

CHAIR VICTORINO: If you choose to, yeah I mean I will yield to you, Mr. Hokama. So if you would like to turn to the next page, we have the nominee, Mr. James Clemens. Mr. Clemens was actually interviewed at our last meeting. Those that were present, we did interview him and I didn't request him to come back again. I thought you know, so I will yield to you, Mr. Hokama, as far as Mr. Clemens is concerned.

COUNCILMEMBER HOKAMA: Thank you, Chairman, Members. Mr. Clemens is an individual who has volunteered to give service to the Lanai community. I can tell you that from those that have shared their views with me, especially on his work with the Lanai Community Association, he is a dedicated volunteer. And yet I can tell you regarding his nomination to be a Planning Commissioner, I am quite surprised how quickly a small community can be divided. It disturbs me regarding this nomination that it has created some divisions in a small island like our beloved Lanai. So for me, Members, and I'm going to just say that it's not a simple thing. But for me I'm looking at Commissioners who can try and bring community together, not divide our community. So I'm going to be recommending to you, Mr. Chairman, and this Committee, to place the name of Jarrod Barfield on Exhibit "B" which is to approve and to place Mr. Clemens name on "C" which is to disapprove. Thank you.

CHAIR VICTORINO: Okay. So let me make that recommendation. Then first of all I would like to place the name of Mr. Jarrod Barfield to be approved to the Lanai Planning Commission, for a term expiring March 31, 2020, and put that I guess on Exhibit "B", Mr. Couch. And then, for Mr. Clemens, taking the recommendation of the Lanaian representative and placing the name of James Clemens for disapproval for the term expiring March 31, 2020, on Exhibit "C". So, Mr. Couch.

COUNCILMEMBER HOKAMA: I'll make the motion.

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Oh, okay, you may make the motion. Okay, Mr. Hokama makes the motion. Do I have a second?

COUNCILMEMBER COCHRAN: Second.

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Mr. Hokama, because like I say it's, that's why we have district representation. I would like to say thank you to him and it's obviously that he's very well received over there, and I would hope to see him involved at some other time in some other committee and thank him for volunteering and for all that he does. Thank you.

CHAIR VICTORINO: Thank you, Mr. Carroll. Ms. Baisa?

COUNCILMEMBER BAISA: Mr. Chair, this is a difficult vote for me. I try to be fair and evenhanded in looking at Commissioners and in evaluating recommendations, and I too have received a number of recommendations and e-mails in support of the gentleman. My problem is I really don't know the Lanai community intimately like our district representative. But you know sometimes a person may not fit very well in a situation but yet be the person who tends to raise the issues that nobody else wants to talk about. So this is a very difficult vote for me. Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I'm glad that Mr. Hokama put it in the words that he did in relation to this nominee. I have, the people that I do, I'm in close contact with on that island have had run-ins, I guess, and not such pleasant interactions with this gentleman. So for me, and not living there, I'm just hearing from people of that community that I do associate with quite a bit, and that was going to be my determining factor on this and as Mr. Hokama pointed out, this has been a difficult one that has divided that community and so I am in support of the disapproval at this point. Thank you very much.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and I echo Ms. Baisa's comments in that this is a difficult one, because yes, you know there is a division in the community and sometimes that helps to get all perspectives out there, and I know this is one that the Planning Department is in support of because they would like to see some diversity on the Planning Commission. So and with my position you know, in relation with the Planning Department, it's, this is a hard one and I'm going to have to listen to the other Members because you know I trust Mr. Hokama's opinion. But sometimes the diversity is important. So I'm not sure where I'm going on this one yet.

CHAIR VICTORINO: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. Coming from a small community where often the lens are pretty much focused on people who are of the island and I will just support what Councilmember Hokama is saying because his lens is much wider than mines. Thank you.

CHAIR VICTORINO: Mr. Guzman?

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COUNCILMEMBER GUZMAN: Thank you, Chair. I'll just defer the recommendations by my colleague from Lanai. Thank you.

CHAIR VICTORINO: And I'll close by saying that I've had a chance to sit down with Mr. Clemens a couple of times and, intriguing man, intriguing man, I think he has a really good heart. He really has in his mind the betterment of the Lanaian community, especially those that are down in the Manele and those areas down there that he seems to be very conscientious and understanding the total picture. And so this is a difficult one and I also always value the district representative's overview of the nominee. I think if anyone knows better than any of us, it would be that individual. So, Mr. Hokama, I value your comments and I take that to heart and I guess I'll vote accordingly. But I will say that I want to thank Mr. Clemens for coming forward. I think he's brought to the table a really, a good discussion. Now unfortunately when a community is divided over an individual, it says one of two things, at least the community's paying attention to what's going on around them and I think that's very good and it's not a rubber stamp community. And I think they're aware that their future depends on diversification in all aspects, especially Planning and other Boards and Commissions. So I want to thank them for their engagement and I hope that once this is all said and done that Mr. Clemens will come forward, somewhere along the line there may be something else that he could fit, better fit for the island of Lanai and helping the people there. And so I want to thank him personally and I want to make sure that he knows that this is really a decision made based upon what recommendations was made by Mr. Hokama and by the aspect of what we feel is good for the island of Lanai. Any other...I would like to recognize Mr. White is back with us. Mr. White, do you want to make any comments?

COUNCILMEMBER WHITE: No comments.

CHAIR VICTORINO: Okay, thank you. So I will, if there's no further discussion, all those in favor of disapproving and putting Mr. James Clemens on "C", yeah I forgot, excuse me, on "C" for serving on the Lanai Planning Commission, signify by saying aye.

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Those in favor, opposed I should say. I hear none. No opposed? Okay. So let the record show nine ayes, no noes, and no abstentions, I mean not abstentions but no excused.

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

NOES: **None.**

EXC.: **None.**

ABSENT: **None.**

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ABSTAIN: None.

MOTION CARRIED

ACTION: DISAPPROVING the nomination of James Clemens to the Lanai Planning Commission.

CHAIR VICTORINO: So thank you, Mr. Clemens, for your offer of service and good luck, and Mr. Molina, then you need to get back to work and maybe talk to Mr. Hokama, the district representative and see if there's some names that can be brought forward.

MR. MOLINA: Certainly, Mr. Chairman.

CHAIR VICTORINO: Excuse me. Ms. Brooks is doing an exemplary job but she just doesn't let me finish. One moment, okay. We're not done, I didn't say we're done. Okay, so thank you, Mr. Molina, and work with Mr. Hokama and let's see if we can get someone else that will better suit the community. The last one here is--hang on a second--for the Liquor Control Adjudication Board. Our next nominee for the Liquor Adjudication Board is Ms. Candace Ariaga, and so Candace, if you'd come up to the podium and we will ask for an opening statement in just a moment or two. But at the meantime I will ask Mr. Molina if he would give opening comments about Ms. Ariaga and her desire to serve on the Liquor Control Adjudication Board. Mr. Molina.

MR. MOLINA: Thank you very much, Mr. Chairman and Committee Members. The Administration is pleased to have Ms. Ariaga volunteer her time to consider serving on the Liquor Adjudication Board. She is currently employed by the Four Seasons Resort and has assured us that it would not be a problem with taking the time off to attend the monthly meeting on Maui, and she is also I guess wanting to volunteer time and like Mr. Barfield, had expressed the interest of giving back to the community in this particular area. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you very much. Ms. Ariaga, welcome.

MS. ARIAGA: Thank you.

CHAIR VICTORINO: Would you like to give an opening statement please?

MS. ARIAGA: Well thank you, Mr. Victorino, and Mr. Hokama, and the rest of the Council. I'm for Liquor Commission, I'm sorry, Liquor Commission Adjudication Board. I have lost loved ones to alcohol poisonings in the past and I am very strong against that sort of things happening in the future. Thank you.

CHAIR VICTORINO: Thank you. Mr. Hokama, I will start with you again, being the district representative.

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COUNCILMEMBER HOKAMA: Thank you, Chairman and Members. Lanai's fortunate, we have Ms. Ariaga Okimoto from Molokai who now chooses to reside now on Lanai, so I thank Ms. Crivello for sharing her residents with Lanaians. This morning, Mr. Chairman, I can tell you I am in support of Ms. Ariaga's desire to continue to give, volunteer community service not only to Lanaians but to the County of Maui. I support her activities to be better informed in an area that as Ms. Fernandez says she learned quite a bit, and so it's a great opportunity for Ms. Ariaga and I believe she will represent the Lanai District as well as our Lanai businesses in a very fair and honorable fashion. So I would ask for her support. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama. Mr. Guzman?

COUNCILMEMBER GUZMAN: Nothing further. Thank you.

CHAIR VICTORINO: Mr. White?

COUNCILMEMBER WHITE: No questions. Thank you, Chair.

CHAIR VICTORINO: Mr. Carroll? Ms. Baisa?

COUNCILMEMBER BAISA: No questions.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: No questions at this time.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Just looking on the, and thank you for being here, looking on your application...the previous County and Community Professional Organizations, I'm not sure what that, is that PAC or...

MS. ARIAGA: PAC, Political Action Committee.

CHAIR VICTORINO: Political Action Committee, yeah.

VICE-CHAIR COUCH: Which PAC?

MS. ARIAGA: ILWU.

VICE-CHAIR COUCH: ILWU, okay. Thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: No questions. But I want to thank you for stepping up to the plate. It's good to see that Lanai has our younger generation stepping up to it, you know. And even if you moved from Molokai, we appreciate you being here. Mahalo.

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MS. ARIAGA: Thank you.

CHAIR VICTORINO: Might send her back, maybe she'll go back someday, I don't know.

COUNCILMEMBER HOKAMA: Oh no, no, we're keeping her, we're keeping her.

CHAIR VICTORINO: Oh, okay. Anyhow, any further discussion? Seeing none, then I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to approve the nomination of Candace Ariaga to the Liquor Control Adjudication Board for a term expiring March 31, 2020. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to put the name of Candace Ariaga on Exhibit "B" of the resolution.

COUNCILMEMBER HOKAMA: Second.

CHAIR VICTORINO: It has been moved by, Mr. Couch, seconded by Mr. Hokama to approve the nomination of Candace Ariaga to the Liquor Adjudication Board for a term expiring March 31, 2020. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show nine ayes, no noes, and no excused. Congratulations, Ms. Ariaga. Good luck.

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

NOES: None.

EXC.: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVING the nomination of Candace Ariaga to the Liquor Control Adjudication Board.

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CHAIR VICTORINO: We have one final, one final Commission. This was, the nominee is for the Maui County Cultural Resources Commission and that's Ms. Christy Kajiwar-Gusman. We've already interviewed her, I think she's here if anybody else would like to interview her, I will allow that. She did testify earlier. But is there any Member requesting her to come up, do they have any questions they would like clarification on from Ms. Kajiwar-Gusman? Seeing none, thank you. Mr. Molina, would you like to provide any further comments as far as the reappointment of Ms. Kajiwar-Gusman?

MR. MOLINA: Thank you, Mr. Chairman. Other than what was stated at the previous February 18 meeting, we still would like to ask for your consideration for the nomination of Ms. Kajiwar-Gusman to the Cultural Resources Commission; and as was stated in testimony, by the Deputy Planning Director, Ms. Gusman has been showing up to all of the meetings and she is also from, by our accounts she has been participating in the discussion. Thank you.

CHAIR VICTORINO: Thank you very much. Further discussion? Yes, Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I find this one very difficult. The last meeting we had of course, the discussion about putting the sign up and all that, and that we weren't there and so I didn't think too much of it. But when her testimony was given today, I was disturbed by when she disagrees with somebody, that she attacks and I found that very disturbing. When we put people on Boards and Commissions, we want to have those people over there that people feel comfortable going to see, that they'll get a fair hearing, that they won't be attacked if they say something wrong. And it was obvious that, I'm sure she's a very nice person but she has a temper and it is her mindset and that came out in the testimony today. And because of that I cannot support this nomination. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: In spite of what has been said here, I am probably going to support Ms. Gusman and the reason is I want to put all of this stuff behind us. I think that you know we all went through a very, very difficult time. It was probably for me as far as I can remember, one of the hardest times that we have ever gone through in terms of a community that was divided, a community that was on alert, lots of confrontations and people feeling uncomfortable looking at your back, not sure if somebody was going to hit your car or whatever. It was a bad time. I want to put that behind us. I think Ms. Gusman really cares about this community. She's very dedicated, works very hard, and I'd like to give her a chance and see where it goes. You know, people say oh, you know she gets angry. Well, which one of us put in a situation like that doesn't get angry. I think we have tempers in this room also. So, and of course I'm not going to mention any names. But I'd like to give her the opportunity. Thank you.

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CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And throughout the deliberations in regards to this nominee, I have stated my stance on this and I will continue to stand by the opposition and it has nothing to do as Ms. Baisa is saying put it behind, it has nothing to do with all that. But it has to do with just the general appearance and proof that and within testimony today and also in written and on social media, wherever, that this person tends to have, yeah there's a lot of passion, yeah there's a lot of energy and perhaps anger and things of that nature. Yes, we all have it, but I think it borders on the verge of being, going overboard and being vicious at times and being again, not being approachable or levelheaded as Mr. Carroll was saying. So for me that instability and character, for me is not befitting for a Commissioner, and especially on the Cultural Resources Commission where things can be controversial, things can be very hard to, you know, just hard to take and stuff. So I again will just stand by my continued stance on this nominee. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Boy, you know we talk about temper and as Ms. Baisa said, I don't think anybody on here hasn't lost their temper on this board right here. So I think temper's something that I'm surprised that people are going on that. Having been involved heavily with, everybody here was involved heavily with the election and all the stuff that was going on, I can imagine if people get pushed too far, they push back. There's, every one of us here has pushed back on people I'm sure when confronted with the things that people were confronted with. If you look at the record of this person on the Cultural Resources Commission, she's attended every meeting, this person I know personally holds the culture very dear, and to say that one incident makes or breaks a person, that would be totally unfair because you know we've all had one incident that could make or break us. But we've pushed through it and we make it work. So I think it would be very unfair to oppose someone who does a great job on the Cultural Resources Commission and has the culture of Hawaii at heart. You know, we went against some people who didn't, weren't cultural, that have the cultural background on other Commissions and people spoke from their heart and with passion. I just find it strange that somebody who has the passion for this culture is being excluded. So I fully support Ms. Gusman on this Committee.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. First of all, I don't know this applicant. But I would have to look at this as being a reappointment. I too would want to have the consideration for her qualification for the Cultural Resources Commission. And I recall when she did step up to the plate at the initial appointment, there was the passion that relates back to her ohana and though she's from Kauai and she's made Maui her home, it's what we, what kind of flavor do we bring to this Commission. And I would like to think first of all she brings the flavor of our host's culture as well as the flavor of the local culture which I think just having someone with this much passion may be able to inoculate what we're looking for in people who have the commitment

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and the, what resources that we value here in Maui County. As far as the, I would say, the initiative of the yes or no issues, I too would like us to move forward. It was a very intense time in our election process and now if we can move forward with all of that, and hopefully she'll recognize and this is all just part of our growing pains that to be open, I'm sure she has been as being of service to our community. So I will be in support of her reappointment.

CHAIR VICTORINO: Thank you, Ms. Crivello. Mr. Hokama? None. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. My position is, I have reservations which basically stem from being cautious to avoid any foreseeable media issues in the future. I know that both testifiers, both Mr. Brian Lehmann and Christy Gusman indicated there were police reports filed. Now when police reports, and I'm just going to give you a brief background, Chair, if I can, when police reports are filed by the Police Department, they are eventually transferred to the Prosecutor's Office regardless of whether the alleged victims want to pursue it or they say they want to dismiss it, it's not their choice to do so. That discretion clearly lies with the Prosecutor's Office. So since those two cases are pending at the Prosecutor's Office, I have no idea whether they're going to be going forward to the Court system or not until the victims receive a letter from the Prosecutor's Office saying that it's NP'd which is Nolle Pros, No Pros, or they receive a call from the Prosecutor's Office interviewing them about the case, and it appears as though neither one of them have been called by the Prosecutor's Office so in my mind and in my analysis, I believe that those cases are still pending at the Prosecutor's Office. So unfortunately there are pending cases, I just feel uncomfortable moving forward. This has nothing to do, notwithstanding Christy Gusman's reputation or her character, I know she does a good job on the Commission and I know her personally, I just feel in an abundance of caution that I cannot move forward on this at this time. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. White?

COUNCILMEMBER WHITE: No comments. Thank you.

CHAIR VICTORINO: Thank you. I did do a little research, Mr. Guzman, as far as the situation, you are correct. But also I did a little more research as far as how this is perceived if you were applying for a job or applying for a position somewhere, and according to my report back that I received from the Staff, is that this cannot be taken into consideration, you can for yourself personally, and there's no question about that part, yeah, absolutely. But we're, you know, it's not something that you know can be put on the table as far as a reason to disapprove or approve okay. Because this is not part of it and she has no conviction to the matter, neither party. They filed their complaints and like you said it's still in limbo, we don't know where it is, right?

COUNCILMEMBER GUZMAN: Right.

CHAIR VICTORINO: So I think and I just wanted to make sure that that is clear and I think you've helped me make that clear today so that what we're dealing with is her

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reappointment based upon what she's done in totality. Okay and you have your rationale and your belief and I respect that. But I will say that I can also support Ms. Gusman. She has a passion, she has that fire. She's a little spark plug and I really appreciate that. Yes, sometimes we have to be careful what we say because it comes back later. But haven't we all stuck our big foot in our big mouths? I have. Put it right here, Boy Scout's Honor. And I know everybody's saying not me, not me. Well, I'm willing to admit that. I'm willing to admit at times in the passion, or in the passion of the battle we say things and then we go oh, and you step back. But no offense was meant, we were trying to make a point, we're trying to do what is right for the people of Maui County. So I can support Ms. Gusman, I think she's done a real yeoman's job on the Commission, on the Cultural Commission. She's been there, she's been an active participant, she does love the culture, I know that for a fact. She shared many times with myself and my wife ideas and concepts and I truly appreciate that. And this is one of our local farmers, farming in my district, Waihee, and I know they try real diligently to produce sustenance for our community and I want to thank them for that. So they do a whole, they bring a whole package to the table and the local perspective is appreciated of also. But remember, Ms. Gusman, whatever you say does and can come back to bite you later. So always think before you say something, I think this is very important. Look who I am preaching to, oh my God, oh my God. Anyhow, with that being said, any further discussion? If not, I would like to make my recommendation please.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay, I would like to move for the approval of Ms. or for the reappointment of Ms. Christy Kajiwarra-Gusman to the County Cultural and Resources Commission for a term ending March 31, 2020. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to put the name of Christy Kajiwarra-Gusman on Exhibit "B".

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR VICTORINO: It has been moved by Mr. Couch, seconded by Ms. Baisa to approve the nomination of Ms. Christy Kajiwarra-Gusman to the Maui Cultural, Maui County Cultural Resources Commission for the term expiring March 31, 2020. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Okay I'm going to call for a roll call. I went, I had a senior moment. Roll call, please. Ms. Brooks, roll call. Well, no...you're going to have to do it in the microphone...yeah, please come up here. Sorry, I caught you off-guard.

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MS. BROOKS: Mr. Carroll.

COUNCILMEMBER CARROLL: No.

MS. BROOKS: Ms. Baisa.

COUNCILMEMBER BAISA: Aye.

MS. BROOKS: Ms. Cochran.

COUNCILMEMBER COCHRAN: No.

MS. BROOKS: Mr. Couch.

VICE-CHAIR COUCH: Aye.

MS. BROOKS: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Aye.

MS. BROOKS: Mr. Hokama.

COUNCILMEMBER HOKAMA: Aye.

MS. BROOKS: Mr. Guzman.

COUNCILMEMBER GUZMAN: No.

MS. BROOKS: Mr. White.

COUNCILMEMBER WHITE: No.

MS. BROOKS: Mr. Victorino.

CHAIR VICTORINO: Aye. The vote was 5-4 in favor of the approval of Ms. Christy Gusman, Kajiwarra-Gusman to the Maui County Cultural Resources Commission.

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

NOES: **Councilmembers Carroll, Cochran, Guzman, and White.**

EXC.: **None.**

ABSENT: **None.**

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ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVING the nomination of Christy Kajiwarra-Gusman to the Maui County Cultural Resources Commission.

CHAIR VICTORINO: Thank you very much, I appreciate that. And again, Ms. Gusman, heed the words please, okay? Thank you very much. Let me see, I think we're at the end of the calendar.

VICE-CHAIR COUCH: The resolution, Mr. Chair?

CHAIR VICTORINO: Huh?

VICE-CHAIR COUCH: Do we actually have to do the resolution now? Do we not?

CHAIR VICTORINO: Yeah, the total resolution. That's why we're at the end of the calendar. Okay. Quick recess. . . .(gavel). . .

RECESS: 11:52 a.m.

RECONVENE: 11:53 a.m.

CHAIR VICTORINO: . . .(gavel). . . Policy and Intergovernmental Affairs Committee will reconvene. At this time, I'd like to make a motion to adopt the appointment of all the members to the Boards and Commissions for the County of Maui, the proposed resolutions to approve the Mayor's following nominees to the various Boards and Commissions for the term beginning April 1, 2015 and expiring March 31, 2020, unless otherwise indicated. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution entitled Appointment of the Members to the Boards and Commissions for the County of Maui and with all the revisions we made today.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Ms. Baisa to approve the resolution entitled Appointments to Members to the Boards and Commissions for the County of Maui and all the revisions that we made. Any more discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

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CHAIR VICTORINO: Opposed? Let the record show eight ayes, one excused, Ms. Crivello.

VOTE: AYES: Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Guzman, Hokama, and White.

NOES: None.

EXC.: Councilmember Crivello.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution approving nominations to the Fire and Public Safety Commission (Linda Fernandez), Lanai Planning Commission (Jarrod Barfield), Liquor Control Adjudication Board (Candace Ariaga), and Maui County Cultural Resources Commission (Christy Kajiwarra-Gusman); and disapproving nominations to Fire and Public Safety Commission (Elgin Keahi Meyer) and Lanai Planning Commission (James Clemens).

CHAIR VICTORINO: And thank you very much, Members. That completes our, I think, oh okay, one more thing. At the last meeting, I requested for Members to bring forward nominations to the various Commissions that we were now asked to bring forward. I understand there has been some considerations. This was the Commission on Children and Youth and the Maui County Cultural Resources Commission, Lanaiian seat, you know we're looking for somebody from Lanai. And so I am looking if there is anyone that would like to put in any names? The applications, I would like to receive them at this time. Do we have any? Mr. Hokama.

COUNCILMEMBER HOKAMA: I'll be submitting a name to you, Chairman, for the Cultural Resources.

CHAIR VICTORINO: Okay, okay. Anybody else? Anybody on the Commission for, on Children and Youth of Maui? Nothing? Okay. So as soon as you can, Mr. Hokama, I'd appreciate it.

COUNCILMEMBER HOKAMA: We'll get it to you this afternoon, Mr. Chairman.

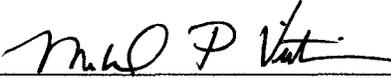
CHAIR VICTORINO: Okay, thank you very much. With no further business, this meeting of the Policy and Intergovernmental Committee is now adjourned. . . .(gavel). . .

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ADJOURN: 11:56 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:150302

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 23rd of March 2015, in Wailuku, Hawaii

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

Marie Tesoro