

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

February 17, 2015

THE SPECIAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, FEBRUARY 17, 2015, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: The special meeting of the Council of the County of Maui will come to order. Its February 17, and 9:00 a.m.

Mr. Clerk, please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you very much.

Will you all please rise and join me in the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Since there is very few people in the audience, I won't provide the, the reminder to turn off your cellphones. But Members, if, if you would please do so with yours I would appreciate it. The Chair doesn't need to worry about it because he forgot his at home.

So, Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

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

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

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

DEPUTY COUNTY CLERK: Mr. Chair, there are no individuals in the District Offices nor the chamber who wish to offer testimony. Shall we close public testimony?

CHAIR WHITE: Members, without objections, the Chair would close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just for the record, we have not received any written testimony for today's meeting.

CHAIR WHITE: Thank you.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 15-51 - DON S. GUZMAN, COUNCIL VICE-CHAIR,  
(dated February 11, 2015)

Relating to County Communication No. 15-23, from the Mayor, transmitting a proposed draft resolution entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2019".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO DISCHARGE THE POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE FROM FURTHER CONSIDERATION OF THE COUNTY COMMUNICATION 15-23.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Crivello, to discharge County Communication 15-23.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

The Policy and Intergovernmental Affairs Committee was unable to pass out a recommendation at its February 4, meeting on this nomination. I firmly believe that the Council must take a position and make a decision either approve or deny. This is also a time-sensitive matter with a decision needed within 60 days of the Mayor submitting the nominee, which is February 23. If we do not act today, the time will expire and the Council will, the Council will not be able to take an official position.

As we have all nine Members here today, Chair, we are, we are now able to take an appropriate action on this measure.

CHAIR WHITE: Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

And I recall that meeting we had and the very good comments. My, my question is to the Chair of the Committee. Usually we have this through the Chair of the Committee, I'm just concerned as to what the, why we're going this route as opposed to the Chair of the Committee dealing with this.

As a Chairman of another Committee, I'm, I'm, I have some concerns.

CHAIR WHITE: But the Chair of the Committee was on vacation in a place that was not easily communicated with and, and it was determined that we needed to take action because a lack of action would simply allow the, allow the person to be appointed without any action from the Council. It was mentioned to another Member that the department was interested in withdrawing the person for consideration. But that consideration cannot, the person cannot be withdrawn by the Administration once its in the Council's hands. So from a technical standpoint, the Council needs to take action. And so it was initially going to be a resolution from the Chair, but I wasn't here to sign it and so the Vice-Chair signed it. So that's, that's how it came together and my understanding that the department has another person with the, with a very strong background in, in the culture that will be willing to, to participate in the Public

Works Commission's work and has from what we understand already agreed to do so. So that's the, the purpose for this, the Committee's action.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR WHITE: Okay.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, although may be difficult, not impossible to communicate with. So let me make that perfectly clear. I gave instructions on how and what to reach me with, via email or text. I wasn't going to pay \$1.99 per minute for phone calls. But beyond that, no news of this was ever transmitted to me until yesterday when I started asking questions.

And I really don't think it's the right way to do things, but fine. You do what you think is right, I get no qualms about the department wanting to withdraw. If that was told to me, if that was effectively transmitted to me, I have no problem with that. But the way it was all done, I'm not a very, not very happy about it.

CHAIR WHITE: I apologize.

COUNCILMEMBER VICTORINO: I don't think it should be done, you know, no, and, and this is not the first time and I, and I hope this will be the last time, but I will continue to make an issue if a Chair is not communicated, and you overstep their bounds and they go, and they are left out in the cold trying to figure out what's going on. I don't think that's fair, okay. I don't think that's fair. And every one of us are Chair's and we don't want that to happen. You wouldn't and neither would I, okay. So, I, I'm not pleased with this overall scope of the way it was done. Especially being left out.

Now, it wasn't that I could not be communicated with. My staff had the answers to any question you would have asked them as far as how. But I never received an email, I never received a text mail until yesterday when I started digging into it and asking what's going on, how come I wasn't, what's the problem. And then I was informed by you, via text mail, what was going on, okay. I don't think that's fair, but it is, we're here today and let's decide what we're going to do one way or the other. Thank you, Mr. Chair.

CHAIR WHITE: Okay, thank you, Mr. Victorino.

Any further discussion? And this is on the vote to discharge. Any further discussion, Members? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER VICTORINO.

CHAIR WHITE: That is eight "ayes", one "no", Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE  
REFERRAL AND REPORT AS PROVIDED IN RULE 7(E) OF  
THE RULES OF THE COUNCIL.

COUNCILMEMBER WHITE: Is there a second?

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: It has been moved by Vice-Chair Guzman and seconded by Member Crivello, to waive the Rules of the Council.

Any further discussion, Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Waiver of the requirement of the committee referral and specifically a committee report by two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today. No further discussion.

CHAIR WHITE: Okay, Members, any other discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measures carries, eight "ayes", one "no", Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION ENTITLED  
"APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS  
COMMISSION FOR TERM ENDING ON MARCH 31, 2019" AS  
ATTACHED TO COMMUNICATION 15-51 DATED  
DECEMBER 23, 2014 BE ADOPTED, AND THAT THE  
COUNTY COMMUNICATIONS 15-23 AND 15-51 BE FILED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Crivello, to adopt the resolution and filing the County Communications 15-23 and 15-51.

Further discussion, Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further.

COUNCILMEMBER BAISA: Mr. Chair.

CHAIR WHITE: Members' any other discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, just for my comfort, I'm wondering do we have anybody that is here to verify the fact that they were willing to pull the name and substitute.

CHAIR WHITE: Mr. Goode is here, if you'd like us.

COUNCILMEMBER BAISA: If, if he's the person.

CHAIR WHITE: Okay.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Ms. Crivello, I believe had--

COUNCILMEMBER CRIVELLO: I, I was told, Chair, thank you. I did, my office did receive a call and there is a person who is willing to submit an application.

CHAIR WHITE: And the call was from.

COUNCILMEMBER CRIVELLO: Ms. Dagdag Andaya.

CHAIR WHITE: That, that was the communication.

COUNCILMEMBER BAISA: I, I just thought maybe we should have something. We're being told that it was done but we don't have anything.

COUNCILMEMBER WHITE: Right.

COUNCILMEMBER BAISA: Thank you.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: That being said, is that verifiable enough for the Members?

BUT AT THIS TIME I'D LIKE TO MOVE TO AMEND THE  
PROPOSED RESOLUTION BY STRIKING "CYNTHIA  
SANTIAGO" FROM EXHIBIT "A" AND ADDING HER TO  
EXHIBIT "C".



COUNCILMEMBER CRIVELLO:

I SECOND.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Crivello, to add the name of the applicant to Exhibit "C" was it?

VICE-CHAIR GUZMAN: Exhibit "A", striking Cynthia Santiago from Exhibit "A", and adding her to Exhibit "C".

CHAIR WHITE: "C"?

VICE-CHAIR GUZMAN: "C" as in cat. I believe the Clerk is--

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair.

Just for clarification, if it's okay with the, the maker of the motion, Exhibit "A" is just listing the nominees name, so at this time there wouldn't be, it wouldn't be necessary to strike the name from Exhibit "A" but to keep that addition to Exhibit "C" in the motion, if that's all right with the maker of the motion.

VICE-CHAIR GUZMAN: Yeah, if that's okay, Chair, if I can do a friendly amendment by deleting the word Exhibit "A" and just adding, I mean, excuse me, deleting the words Exhibit "A" and thereafter the other portions of the amendment remain the same.

CHAIR WHITE: Okay, thank you. And that's all right with the seconder?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR WHITE: Okay, thank you. Any further discussion, Members? Seeing none, all those in favor, please signify by saying "aye".

VICE-CHAIR GUZMAN: Aye.

COUNCILMEMBER CARROLL: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER VICTORINO: No.

COUNCILMEMBER BAISA: No.

CHAIR WHITE: Roll call, please.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: AYE.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: AYE.

DEPUTY COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.

COUNCILMEMBER VICTORINO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Don S. Guzman.

VICE-CHAIR GUZMAN: AYE.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

NOES: COUNCILMEMBERS BAISA AND VICTORINO.

DEPUTY COUNTY CLERK: Mr. Chair, there are seven "ayes" and two "noes", the motion to amend passes.

CHAIR WHITE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we're going back to the main motion to adopt the resolution and file the two communications.

CHAIR WHITE: Thank you. So we're back to the main motion. Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,  
COUCH, CRIVELLO, HOKAMA, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: The measure passes, I believe seven "ayes" and two "noes", with Members Baisa and Victorino voting "no".

Mr. Clerk.

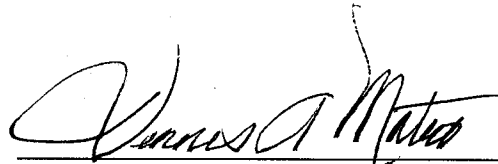
DEPUTY COUNTY CLERK: Mr. Chair, for the record RESOLUTION 15-18.

Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members. And we are now adjourned.

ADJOURNMENT

The special meeting of February 17, 2015 was adjourned by the Chair at 9:19 a.m.

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

DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII