

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 30, 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 MONDAY, MARCH 30, 2015, BEGINNING AT 4:00 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: The special meeting of the Maui County Council shall come to order.

Clerk, will you 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.

COUNTY CLERK DENNIS A. MATEO: Mr. Chairman, nine Members are present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

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: Mr. Clerk, will you please proceed.

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

And, 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 afternoon. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

MS. DENISE FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and we currently have two testifiers. The first one is Winifred Basques, testifying on item number 15-24.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. WINIFRED BASQUES (testifying on Committee Report No. 15-24):

Good afternoon, Maui County Council.

COUNCILMEMBER COUCH: Can't hear.

CHAIR WHITE: Mr. Clerk, could you turn it up a little.

MS. BASQUES: I am Winifred Basques. I disapprove on the nomination for Mr. James Clemens to be on the Lanai Planning Commission for this year and probably for the next year if it, if it's possible. I disapprove again and I thank you very much.

CHAIR WHITE: Mr. Clerk, please, oh, Members, any questions of the testifier? Seeing none.

MS. FERNANDEZ: The next testifier is Ron McComber, testifying on item number 15-24.

MR. RON MCCOMBER (testifying on Committee Report No. 15-24):

Good afternoon, Chair and Members of the Council. I'm here to support the approval of the Fire Public Safety Commission, Linda Fernandez; Lanai Planning Commission; the Liquor Control Adjudication Board; the Maui County Cultural Resource Commission.

I'm also here to support the disapproval of the Fire and Safety Commission of Molokai, and the Lanai Planning Commission of James Clemens on Lanai. Thank you very much.

CHAIR WHITE: Mr. Clerk, do we need to take a recess or?

COUNTY CLERK: No, we're fine.

CHAIR WHITE: Okay, thank you.

COUNTY CLERK: Any questions?

CHAIR WHITE: Any questions for the testifier, Members?

Seeing none, thank you, Mr. McComber.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have seven individuals who have signed up to provide testimony in the chamber. The first individual to provide testimony is Trinette Furtado, testifying on Committee Report 15-24, to be followed by John Fitzpatrick.

MS. TRINETTE FURTADO (testifying on Committee Report No. 15-24):

Aloha mai kakou. `O Trinette Furtado ko`u inoa.

Spoke in Hawaiian.

I'm here regarding Committee Report No. 15-24, and the reappointment of Ms. Christy Kajiwara-Gusman to the Cultural Resources Commission. I strongly urge you to oppose Ms. Kajiwara-Gusman's reappointment based on the grounds that the behavior she displayed during the election and at your recent hearing on this issue is unbecoming of a commission member whose position is to `auamo the kuleana of ensuring our cultural resources are protected and managed effectively at the County level.

I saw Councilmember Crivello's comments that she admired Ms. Kajiwara-Gusman's passion and believes that Ms. Kajiwara-Gusman, "brings a flavor of our host culture and local culture to the commission". Auwe, he Hawaii au. And I am appalled at that remark as if to infer that the host culture of Hawaii is one of exclusion of petty rude behavior. A flavor of local culture which is that. Combative and dismissive, that is not mea Hawaii.

Her testimony at your last meeting was littered with examples of bigotry, clearly attempting to separate people. One, not just white people, cars had vote, vote yes stickers on it. And two, I'd like to know what kind of people are, "people like her who voted you into office". Remember, it's people like me too; mothers, farmers, fishermen, salespeople, kupuna. Many people participated in the process that gives you your seats today.

Also, I'd be interested to know how she got the names of those four to five hundred people who supposedly aren't residents or pay taxes. This information is some that your average resident has no access to. Was there collusion with someone in another County department to obtain that information? I seriously hope not because that should be something that would be investigated.

Passion is one thing, but excusing and supporting behavior unbecoming a commission member is another. This position requires sensitivity and pono action. People need to feel that they can have conversations with you and come to a positive outcome. Her kind of divisive, racist, bigoted attitude is unacceptable and should not be tolerated unless you agree with it yourself.

Please oppose the reappointment of Ms. Christy Kajiwarra-Gusman. Mahalo for your time, Councilmembers.

CHAIR WHITE: Thank you, Ms. Furtado.

Members, any questions for the testifier? Seeing none, thank you very much.

Mr. Clerk.

COUNTY CLERK: The next testifier is John Fitzpatrick, testifying on Committee Report 15-24, to be followed by Brian Lehmann.

MR. JOHN FITZPATRICK (testifying on Committee Report No. 15-24):

Aloha kakou. My name is John Fitzpatrick and I too ask that you oppose the appointment, or the reappointment of Christy Kajiwarra-Gusman to the Maui County Cultural Resource Commission.

As was said before, I feel like someone that is in a leadership role should be able to show leadership through the election whether they agree with you or not. And, from the actions that I saw during the election, I don't think she has the leadership abilities to hold this position. So, I ask that you oppose the reappointment. Mahalo.

CHAIR WHITE: Any need for the testimony to be clarified? Seeing none, thank you very much, Mr. Fitzpatrick.

Mr. Clerk.

COUNTY CLERK: The next testifier is Brian Lehmann, testifying on Committee Report 15-24, to be followed by Holly Lee.

MR. BRIAN LEHMANN (testifying on Committee Report No. 15-24):

Good afternoon, Council. I'm Brian Lehmann.

CHAIR WHITE: Good afternoon.

MR. LEHMANN: I was or am the subject of what I consider a frivolous police report filed by Christy Gusman, following her appointment to the CRC. And, I want to stand on my written and verbal testimony to the PIA Committee which is in the record.

But I'm also concerned was the public testimony Ms. Gusman herself put in the record when she seemed to state she had four or five hundred names from license plates on cars with vote yes stickers which she discussed with her attorney. I really don't know how she might have access to such comprehensive information as stated from license plates.

So, I would suggest maybe referring this matter back to Committee to take a more thorough look at the testimony before approving Ms. Gusman's continued service on the CRC. Thank you for the opportunity to testify.

CHAIR WHITE: Thank you, Mr. Lehmann.

Any need for clarification, Members? Seeing none, thank you for coming today.

Mr. Clerk.

COUNTY CLERK: The next testifier, Holly Lee testifying on Committee Report 15-24, to be followed by Brad Edwards.

MS. HOLLY LEE (testifying on Committee Report No. 15-24):

Good afternoon, Committee. I'm Holly Lee.

CHAIR WHITE: Aloha.

MS. LEE: I'm a science teacher on Maui. I've been a science teacher here for nine years. But, I took off this year because I had a premature infant, so I stayed home this year to take care of her.

In late of October 2014, I got a letter from Iao School stating that Ms. Gusman had written in that I should be, disciplinary action should be taken against me because I had been handing out vote yes stickers and been telling my students to vote yes. I take my job very seriously. I have the highest integrity. I would never introduce

politics into my classroom and tell my students which way to vote one way or another.

And the fact is I haven't worked at Lao for three years. So, how she got my name is really confusing. She used my name Holly Stockwell. That hasn't been my name for seven years since I've been married. And, she also wrote that I've been, that obviously I taught, this year I haven't been teaching at all this year, haven't even taught, covered the GMO moratorium with my students.

So, I was deeply disturbed by this, embarrassed by this. Luckily, the Principal told her I don't work there and I haven't worked there for years. And, I was really confused as to where she would have even gotten my name for this, for this slander, basically. She's never apologized. She's never even contacted me. I would think that they would contact me first before they made some slanderous statement.

I also think somebody in this position should show aloha in the highest integrity. The aloha that's been seen is conditional based on your race, if you own a home, and what your political beliefs are. Aloha is not conditional, just like love. I hope Maui can find a candidate that can truly bring honor and pride to this position; somebody that will represent and make Maui proud, that holds this position. Thank you.

CHAIR WHITE: Thank you, Ms. Lee.

Any need for clarification, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER COCHRAN: Sorry.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Ms. Lee, sorry. Thank you. The letter, it was given to your school that you use to be employed by?

MS. LEE: Mhm.

COUNCILMEMBER COCHRAN: Okay, I was just.

MS. LEE: Yes, I used to be employed at, yea, I was there for six years. But, I haven't been there since, for three years.

COUNCILMEMBER COCHRAN: Okay. Thank you.

CHAIR WHITE: Thank you. Thank you for coming, Ms. Lee.

Mr. Clerk.

COUNTY CLERK: Next testifier is Brad Edwards, testifying on Committee Report 15-24, to be followed by Alan Fukuyama.

MR. BRAD EDWARDS (testifying on Committee Report No. 15-24):

Aloha, Councilmembers. My name is Brad Edwards and I'm a social worker here on Maui. I'm here to testify against the reappointment of Ms. Gusman to the Cultural Resources Commission.

When I testified here on March 20, I provided you with screenshots of things that Ms. Gusman had posted online. I was under the impression this was new information that you didn't have and convinced you'd be shocked as I was and vote against her reappointment. However, after reviewing information from previous Council meetings, I determined that you knew of her history of aggressive, volatile, and discriminatory behavior. And, five Members still voted for her reappointment.

This is not a he said she said kind of situation. My opposition is based solely on Ms. Gusman's own words and actions. And, I'm shocked at the way Members of this Council have sought to minimize her aggressive and volatile behavior.

Councilmember Victorino said about Ms. Gusman, "she has a passion, she has a fire, she's a little spark plug and I can really appreciate that". I can't speak for Councilmember Victorino, but I can speak for myself when I say that Ms. Gusman's words and actions can be called many things, but passionate is not one of them. They were not cute or endearing as Councilmember Victorino would lead you to believe.

Councilmember Baisa said about Ms. Gusman, "You know, people say she gets angry, well which one of us put in a situation like that doesn't get angry? I think we all have tempers in this room as well". Yes, I agree, everyone does get angry. But, as adults and professionals, behavior that Ms. Gusman exhibited is intolerable and is in no way acceptable for a public official. And, it certainly shouldn't be condoned by five Members of this Council who are essentially lowering the bar for everyone in this community.

Mr. Couch said about Ms. Gusman's reappointment, "Boy, you know, we talk about temper and as Ms. Baisa said, I don't think anyone on here hasn't lost their temper on this board. So, I think temper is something that I'm surprised that people are going on." I actually don't know how to respond to this except to say that Councilmember Couch's words are almost as concerning as Ms. Gusman's and I'm wondering that after hearing them read out loud, he would still stand by them today.

Losing one's temper means that a person is not in control of their emotions, contrary to Mr. Couch's, Councilmember Couch's opinion, it is concerning. There is no place for behavior like this in our community. To minimize the situation by acting like we all do things like Ms. Gusman has done, is a disservice.

I took legal guardianship of a teenager a couple years back whose family couldn't take care of him anymore. And, I occasionally get a call from the school when he gets into trouble. And, the last thing I do is to make excuses for him. I make him take full responsibility, I make him face the consequences of his actions cause that's how he learns, that's how I teach him.

In voting for Ms. Gusman's reappointment and rewarding, you're rewarding the very type of behavior that we hold our young people accountable for every day. Ms. Gusman's behavior sets a poor example for all our youth and sets a bad precedent for what we will and will not stand for as a community. To my knowledge, Ms. Gusman has yet to even apologize for her words or actions but is in, instead deflected her responsibility by professing all the harm that others have done to her.

While it might not be, while it might be uncomfortable to hold her accountable, as some of you may personally know her, I expect nothing less than all nine Members of this board to vote no on reappointing her. I'm confident after reassessing all that's been brought forward in today's hearing you will realize that voting no is the right thing to do. Mahalo.

CHAIR WHITE: Thank you, Mr. Edwards.

Any need for clarification, Members? Seeing none, thank you for coming today.

Mr. Clerk.

COUNTY CLERK: Next testifier is Alan Fukuyama, testifying on Committee Report 15-24, to be followed by Christy Gusman.

MR. ALAN FUKUYAMA (testifying on Committee Report No. 15-24):

Good afternoon, Councilmembers. My name is Alan Fukuyama and I'm here to support Christy Gusman's appointment to the Cultural Resources Council, I'm sorry, Commission.

I have known Christy for many, many years; and to know her as a good and wonderful parent. And, I think everybody here would agree with me if our children was threatened, we would do the same thing. There is a lot of animal instinct in our, as a human being. And, as a mother bear, if her cubs are threatened, she would not walk away from the situation.

And, I, I feel Christy is passionate in her actions. She, she's a very, very hard worker. And people who know her for many years would agree with me, that when she starts something, she never gives up. So, I urge you to appoint her, reappoint her to the Cultural Resources Commission. Thank you.

CHAIR WHITE: Thank you, Mr. Fukuyama.

Members, any need for clarification? Seeing none, thank you for being here.

Mr. Clerk.

COUNTY CLERK: The next testifier, Christy Gusman, testifying on Committee Report 15-24.

MS. CHRISTY KAJIWARA-GUSMAN (testifying on Committee Report 15-24):

Aloha, Chair White and Members of the Council. First of all, to Ms. Elle Cochran my deepest apologies for the comment made in our last meeting. I wish your forgiveness for that comment. I know we've all made mistakes.

I believe you've all received letters of written testimony from, first of all my business partner, Ms. Leona Roche-Wilson, and second of all one of my mentors, Mr. Richard Higashi. They should have been distributed.

I'm here today to tell you a little bit more about myself and why I want to serve on the Cultural Resources Commission and, some of the things that I, I currently do and have done in this community.

Growing up in Kauai as a child, we use to be practically forced to sit on the street corners holding signs for candidates such as Governor Ariyoshi; waving at people passing by, volunteering to pick up rubbish, and sit through long and boring meetings with the Council, the Mayor and at the union hall with my grandparents who were highly involved in the community. I was dragged through numerous events for our local elected officials, made to serve drinks and food to the senior citizens, helping them carry their plates and move their chairs.

When I was in the eighth grade, I was selected to go to Washington DC as a student ambassador for a program called Washington Workshops. I was selected to dance hula for the passing of our Kauai Senator Spark Matsunaga. I was one of the first student visitors in Senator Dan Inouye's office.

I have seen and been through the closure of four sugar plantations on the island of Kauai. I have seen our family, local families struggle, lose their jobs, being forced to move to other places, and losing themselves in a struggle to survive in our tough economy. That was a long time ago. But, growing up the way, that, the way that I did, I saw and I learned many things. One was the importance of sticking together and working together.

My grandparents lived on family property which was passed down through generations; three houses: uncle's house, mama's house, and grandma's house. When one house, somebody was down and out, we all came together to help even if it meant working a part-time job after high school to help pay the bills. Sleepovers with cousins and living with grandma and grandpa was a way of life. Things in Hawaii have truly begun to change, began to change. We are fortunate here in Maui County to still have some of that.

Fast forward to today. I was raised in such a way to know that family and culture is very important. My family is here today, my husband and my children. We have chosen to do quite the same with our children. Most of you here today know them. We've helped you with numerous events and done various activities. Our school and church groups ask us to do the kalua pig, laulau, teach them how to cook squid luau, pull taro, and pound poi, all of which is done right on our own family property here in Waihee Valley.

In conclusion, the difference between me and anyone else that you could get in the Council, in the Committee today is that I will live here. My family is rooted here and I will not leave after a short period of time. I intend to serve this community for the rest of my life. Thank you very much.

CHAIR WHITE: Thank you, Ms. Gusman.

Members, any need for clarification?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Can you, thank you for being here. Can you highlight as to what values you bring, you bring to the table serving on a Commission which deals with the preservation of historic sites as well as--

MS. KAJIWARA-GUSMAN: I have, I have numerous experience. One of them particularly being in Waihee with our stream and river issues, the water issues that we have which I've been on the Waihee Community Association since 2010. And, we've appeared before you folks before, the Council before, especially during the time when the Maui Island Plan was going through. So, it's items like that.

And also, as I stated in the first meeting, you know, putting the Kahului air, railroad building into the historical registry and supporting things like that in the community that I feel are very important, because it definitely shows our way of life and, and our past. And, I am a kuleana water user as well for our, our taro patches that we have in our yard. So, those kinds of issues I feel are important. And, we also volunteer with the Coastal Land Trust of Old Waihee Dairy area.

COUNCILMEMBER CRIVELLO: Okay, thank you.

CHAIR WHITE: Any, any other need for clarification, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Thank you for coming Christy.

MS. KAJIWARA-GUSMAN: Thank you.

VICE-CHAIR GUZMAN: Again, I, I, I have no doubt in my mind about your qualifications, your background, and your, your love for our community. My issue still is, number one, were you able to check with the Maui Police, sorry, the Prosecutor's Office whether that Police Report No. 14-046508 was, what we would call nolle pros or no pros dismissed?

MS. KAJIWARA-GUSMAN: I did check several times. I checked like actually again last week, and I was told that there was nothing in the system. That's all I was told.

VICE-CHAIR GUZMAN: Okay.

MS. KAJIWARA-GUSMAN: So.

VICE-CHAIR GUZMAN: Thank you, Chair.

CHAIR WHITE: Anything further, Members? Seeing none, thank you for being here today.

MS. KAJIWARA-GUSMAN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber.

If there is any additional individuals in the Council chamber or in the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Molokai Office, are there any additional testifiers?

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

COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony at this time.

CHAIR WHITE: Thank you, Mr. Clerk. Have we received written testimony?

COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Members, if there's no objection, we'll enter that into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Alan Fukuyama;
2. Richard Higashi;
3. Leona Roche-Wilson; and
4. Robin Kaye.

CHAIR WHITE: With no objections, Members, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-24 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-30, entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of the following members to the boards, committees, and commissions for the County of Maui (for terms beginning on April 1, 2015, and expiring on March 31, 2020):

*FIRE AND PUBLIC SAFETY COMMISSION
Linda Fernandez (Lanai)*

*LANAI PLANNING COMMISSION
Jarrod Barfield (Lanai)*

*LIQUOR CONTROL ADJUDICATION BOARD
Candace Ariaga (Lanai)*

*MAUI COUNTY CULTURAL RESOURCES COMMISSION
Christy Kajiwara-Gusman (Reappointment)*

*Disapproving the appointment of the following members to the boards, committees,
and commissions for the County of Maui:*

*FIRE AND PUBLIC SAFETY COMMISSION
Elgin Keahi Meyer (Molokai)*

*LANAI PLANNING COMMISSION
James Clemens (Lanai)*

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-24.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: It's a motion by Mr. Victorino and a second by Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of March 2, 2015, your Policy and Intergovernmental Affairs Committee recommended the approval of the Mayor's nomination of certain members to various boards, commissions, and committees.

Your Committee also recommended the disapproval of two nominations. Your Committee was satisfied that the nominees recommended for approval were for,

were qualified and fulfilled their, and would fulfill their duties and responsibilities related to the board and in, and in which they are being appointed.

I, I respectfully request the Council's consideration on this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you. Members, discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AND, CHAIR, I MOVE THAT THE MAIN MOTION BE DIVIDED SO THAT THE NOMINATION OF CHRISTY KAJIWARA-GUSMAN TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION CAN BE CONSIDERED SEPARATELY FROM THE APPROVAL AND DISAPPROVAL OF THE FIVE OTHER NOMINATIONS REFERENCED IN COMMITTEE REPORT 15-24.

VICE-CHAIR GUZMAN:

SECOND.

CHAIR WHITE: We have a motion by Ms. Cochran and a second by Mr. Gusman to divide the Committee Report, to consider separately the nomination of Christy Kajiwara-Gusman. Any, this is, from my understanding, that this is a non-debatable item. So, there, there is no further discussion. It requires a vote of, of the majority.

So, the Chair will call for the question. All those in favor please signify by saying "aye".

COUNCILMEMBER COCHRAN: Aye.

VICE-CHAIR GUZMAN: Aye.

CHAIR WHITE: All those opposed say "no".

COUNCILMEMBER BAISA: NO.

COUNCILMEMBER COUCH: NO.

COUNCILMEMBER VICTORINO: NO.

CHAIR WHITE: Clerk, would you please do a roll call vote.

COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: NO.

COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Council Pro Tem Michael P. Victorino.

COUNCILMEMBER VICTORINO: NO.

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

VICE-CHAIR GUZMAN: AYE.

COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBER COCHRAN, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

NOES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, HOKAMA, AND VICTORINO.

COUNTY CLERK: Mr. Chair, three "ayes" and six "noes"; motion fails.

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

We're back to the main motion. Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry. So, along the main motion, so my reason for it was because of the, I guess, the undo delay for the other people on the list. So, I, you know, my motion was never to point towards any of the others. It was just to single out the one to, you know, singly vote on it. And so, I stand by my vote. And, I think everyone knows how I feel. And the way I've been voting in the past, I stick to that.

So, I will, and it has no bearing on, my negative vote will have no bearing on the other candidates, nominees. It's just that because of the way it's being done right now, it will reflect that. I just want to put on the record that that is not my intention. So, my original motion was to just separate it out so I could vote appropriately to how I, how I wanted to choose.

CHAIR WHITE: Right.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I, I think what, what needs to be done is a reexamination of how these resolutions are put forward on the Council from the standing committee, the PIA. So, initially, each of the, the nominees were voted separately in the PIA Committee. And, several of them had questions to the, to their nominations so they were deferred. So, again, another separation from the entirety.

So, if you look at it, there were separations from the very beginning of talking about each and every one of the nominations. But yet, when it comes to the Council floor, on a full Council, it's one resolution. It's either you vote for all of it or you vote for none of it. I mean one or all. I mean, basically, I feel that we need to correct the situation so to allow the Members who voted no on, on a couple of the nominees to reflect their vote from the Committee.

And, in particularly Christy Gusman, I, I know that there were four votes in opposition and five in support. So, those four Councilmembers who voted in opposition are not allowed to reflect their same vote as they did in the PIA Committee. And, they are forced to vote yes; turn their, turn their original vote around so that the rest of the nominees can clear. That's why I voted no in this situation. Not necessarily because of Christy, but to allow also our Members to fulfill the continuity of how they voted in the Committee, the standing Committee.

I also had issues as to whether the police reports were, were dismissed or not. I know that our last investigation I received reports from the Prosecutor's Office indicating at least over 900 cases pending in backlog. So, for, for them to say that only a few months ago they cleared it, is surprisingly, is surprising to me. So, in that rationale, I don't think those cases were handled. Either they were in fact handled, there would have been an official NP, nolle pros attached to it or a letter to the victims or the complaining witnesses. Void of that, I am still unsure whether these cases will come up again in the future.

And, that's why I voted no in the Committee. My, my rationale stands on the, the structure and procedures of how these resolutions are put forth. And, I, and, and this vote of no is not against any of the nominees but how it was presented. They were presented, and again I reiterate, they were presented separately, voted on separately in Committee. But yet now, they're all in one resolution, denying the ability of Councilmembers to vote consistent, consistently with their no opposition to several of the, the nominees.

So, that being said, I'll yield the floor at this time. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members?

COUNCILMEMBER HOKAMA: Chair.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the Council can do whatever it wants according to the Charter. We took a vote on a motion to choose how we wanted to move forward this specific report. We could choose to have separated it but majority chose not to. That's how we work, majority rules. So, to say that the individual Members did not have an opportunity, that's bogus to me. I've been sitting in these chambers for decades.

The Council makes its own decision and how it does it is by the motions. We decide how to process, nobody else.

VICE-CHAIR GUZMAN: Chair, was there a motion initially? I don't believe there was a motion initially on the Council because I chaired that Council. And, I believe Mr. Hokama was gone that day.

CHAIR WHITE: No, I think Mr. Hokama was referring to the motion earlier this--

COUNCILMEMBER VICTORINO: Today.

CHAIR WHITE: --in this meeting, so.

COUNCILMEMBER VICTORINO: And, Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, if you recall correctly at the end, when we took the vote, we took the vote on the entire group. We had approved and then we took on the approvals and disapprovals as one committee report. You can check the record. And, I'm not worried. I stand by that and it was done by the majority; it was five, four, if you recall Mr., Mr. Chair.

So, I stand by my report the way it's been. And, like Mr. Hokama has pointed out, we choose. We made the vote and it was done properly. I have no qualms in how I ran the meeting and how I got it done. Thank you, Mr. Chair.

CHAIR WHITE: The Chair would just like to point out that when we vote on things at the Council level, it's after a lot of Committee work. And, a lot of things that we discussed in Committee don't make it past because we don't have enough support. So, this is just one more item in a very similar nature. It's not unlike many of the things that we pass. And, there's a, a part of me that would like to ensure, as we hear from Member Carroll every time, do Committee work in Committee right? So,

you know, I think there is some emotion involved in this but I think it's time for us to move forward.

So, I'm going to call for the question.

VICE-CHAIR GUZMAN: Chair, Chair.

CHAIR WHITE: No, I've, I've called for the question. So, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, HOKAMA, VICTORINO, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN, AND
VICE-CHAIR GUZMAN.

CHAIR WHITE: I believe that measure passes seven "ayes", two "noes".

Moving on, Mr. Clerk.

COMMITTEE REPORT

NO. 15-25 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-31, entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of David Sereda to the Urban Design Review Board, for a term beginning on April 1, 2015, and expiring on March 31, 2020.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. If there is no objection, Mr. Chair, I would like the Clerk to call up Committee Report 15-26 as they both recommend the approvals to members of various boards and commissions.

CHAIR WHITE: Is there any objection, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, Mr. Clerk.

COMMITTEE REPORT

NO. 15-26 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-32, entitled "APPOINTMENT OF A MEMBER TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointment of James Leary (replacing Lorraine Brooks) to the Kula Agricultural Park Committee, for a term expiring on March 31, 2018.

2. That Resolution 15-33, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI", be ADOPTED; and

Approving the appointment of Sara Gadarian (replacing Lilah Inaba) to the Board of Ethics, for a term expiring on March 31, 2015.

3. That Resolution 15-34, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of Judy Egger (replacing Michael Kawagishi) to the Affirmative Action Advisory Council, for a term expiring on March 31, 2018.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-25 AND 15-26.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Been moved by Mr. Victorino and seconded by Mr. Couch to pass the recommendations in Committee Reports 15-25 and 15-26.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure carries; nine "ayes", zero "noes".

And to Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTIONS 15-31, 15-32, 15-33, 15-34, respectively.

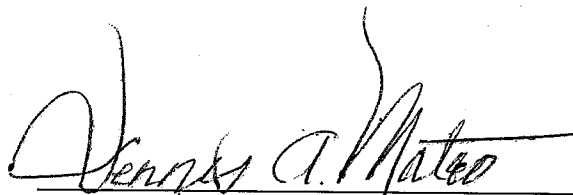
And, Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

With that, Members, we are adjourned.

ADJOURNMENT

The special meeting of March 30, 2015 was adjourned by the Chair at 4:39 p.m.



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