

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

September 14, 2015

Council Chamber, 8th Floor

CONVENE: 9:06 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member
Councilmember Mike White, Member (Out 9:50 a.m.)

EXCUSED: Councilmember Don Couch, Jr., Vice-Chair
Councilmember Elle Cochran, Member
Councilmember Riki Hokama, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
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 (Item PIA-2(17))
Roderic W. Antone, Executive Assistant (Communications Director), Office of the Mayor (Item PIA-28)
Mark R. Walker, Deputy Director, Department of Finance (Item PIA-46)
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-46)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery

Guy M. Hironaka, Real Property Manager, Department of Finance (Item PIA-46)
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-28)

OTHERS: Mayor Alan M. Arakawa (Item PIA-28)
Ivy Waller, nominee, Civil Service Commission (Item PIA-2(17))
Gerald Matsui, Hospital Management Officer, Maui Memorial Medical Center (Item PIA-46)
Pat Miyahira, Project Manager, Maui Memorial Medical Center (Item PIA-46)

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

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

CHAIR VICTORINO: . . .*(gavel)*. . . Good morning. I'd like to call to order the Policy and Intergovernmental Affairs Committee meeting for September 14, 2015. It's six minutes after 9:00. I apologize for being a little late. Let me start by introducing the Members of the Committee who are here this morning. I am the Chair, Michael Victorino; from East Maui our representative 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: Good morning. The young lady from Molokai, Ms. --

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: --Stacy Crivello. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you.

CHAIR VICTORINO: Thank you. Our young man and Vice-Chair of the Committee [*sic*], Mr. Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR VICTORINO: And our Chair of the Committee [*sic*] this morning from the Makawao-Haiku-Paia area, Mr. Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Thank you. So we have six present. This morning we have the Vice-Chair of the Committee, Don Couch who is excused; Ms. Elle Cochran from West Maui unfortunately got injured yesterday. We hope for a speedy recovery, and also from Lanai, Riki Hokama who is on the mainland attending a NACo conference, so we have only six so I'd like to proceed as quickly as possible through a number of these items. We have four this morning and that way when our Chair will be leaving around ten o'clock this morning we will have bare quorum so I want to try to get as much done as possible. From the Administration we have going to be here, Mr. Mark Walker, Deputy Director of Finance; from our Corporation Counsel, our First Deputy Corporation Counsel, Mr. Ed Kushi.

MR. KUSHI: Good morning.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

CHAIR VICTORINO: And later on Jeffrey Ueoka from the Department of Corporation, Deputy Corporation Counsel will be here also. Our Executive Assistant from the Mayor's Office, Mr. Mike Molina.

MR. MOLINA: Good morning, Chairman.

CHAIR VICTORINO: Good morning. From the, I guess you're informational, what is your exact title, Mr. Antone, I'm sorry.

MR. ANTONE: Communication Director.

CHAIR VICTORINO: Communications Director. I apologize. I only wrote your name, I didn't write your title, Mr. Rod Antone. Thank you for being here.

MR. ANTONE: Thank you, Chair.

CHAIR VICTORINO: Also, in the gallery we have our Mayor, Mr. Alan Arakawa. Thank you, Mayor, for being here and he will be testifying very shortly. Also for the Civil Service Commission nominee, Ivy Waller. Thank you, Ivy, for being here. Our Committee Staff, Ms. Kim Willenbrink, Legislative Analyst, and of course Tammy Frias our Committee Secretary. And thank you, ladies, for all your hard work. Let me check with the District Offices to see if they are available, they are online. Dawn Lono, from Hana, are you there, Dawn?

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

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

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

CHAIR VICTORINO: And from our Molokai office, Ella Alcon. Ella, are you there?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR VICTORINO: Thank you, Ms. Ella Alcon, welcome. Before we start, let me say I'd like everyone in the gallery if you have any phones to please put them on silent or any other non-noisemaking notification. Decorum will be followed in the chamber. Today we have four items as I mentioned earlier. I would like to open up testimony for those particular items and they'll be limited to those items only. There's a sign up desk located outside in the lobby of the eighth floor. So anyone wishing to testify in the Chamber please sign up. Those who wish to testify at our district offices please sign up there. Testimony will be limited to three minutes only; two and a half minutes the green light will be on, at two and a half the yellow light will come on, and at three minutes the red light will start blinking and I will ask you to conclude your testimony. Please state your name and who you may be representing. We've established, as you've noticed we've established connections with our District Office and we will rotate

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

depending on the number of testifiers. Now with no objections, I would like to start public testimony.

COUNCILMEMBERS: No objections.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR VICTORINO: No objections. Thank you very much. The first person that signed up to testify is Mayor Alan Arakawa and he is going to be testifying on Committee Report PIA-28. Good morning, Mayor, and thank you for coming down.

MAYOR ARAKAWA: Good morning, Chair Victorino, Committee Members. I'm testifying on PIA Committee Report No. 28, and I will tell you in all the years that I've been in public office this is the most ridiculous document I've ever seen. The Council apparently is now trying to dictate what is going to be given out as public information on the basis that apparently the Mayor's Office does not know how to be accurate. So everything coming from the Mayor's Office is supposed to be screened through Corporation Counsel. May I suggest that if we're going to give the public accurate information this should be across the board for all elected officials, including this Chamber. Every comment coming through this Chamber is publicly televised, all the comments we have go to the media, and they're printed. There's no screening for accuracy. But if we want to be able to be accurate to the entire community on all communications, then let's be fair about this and let's do this fair and accurately, everybody gets screened. Now, in order to be accurate, I'm going to also have to be able to regulate what is being testified to and be able to make sure that any comments coming out of the Mayor's Office is accurate and we're going to have to screen them through Corporation Counsel. I'm perfectly willing to do that but take into consideration what you're asking for in this bill is that anytime you want testimony and you ask my office to send people down here to testify on all kinds of different items, most of the time with less than two weeks' notice, we're going to ask that everything that you want to ask be screened by Corporation Counsel, and all the replies will be screened by Corporation Counsel for accuracy to make sure that it is technically correct. And we expect your PIO to do exactly the same. I believe this will make the entire system completely bottled with virtually nothing being able to get done; again, the most ridiculous thing I've seen in years. Now I understand this is not the first attempt. This is, at least two articles were sent to Corporation Counsel to be reviewed and they were rejected by Corporation Counsel and we're still bringing this up as an issue before the Council. You really need to examine your process and your, what you're trying to do. Trying to micromanage Administration and trying to muzzle Administration is overstepping this Council's ability by law and overstepping your ability in what the voters expect. I can tell you we will take this to the Supreme Court if necessary if this bill is passed. 'Cause I will challenge it every bit of the way, and I will ask that all of you just can this bill. It's one of the most ridiculous bills I've ever seen. But I will as Administrator, if you pass this bill, we will take the extreme measures that are necessary to make sure that you get the most accurate information. We will absolutely forbid any of our employees from making any public statements

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

because we want to make sure that it's the most accurate. And for all of you that don't sit in on the hundreds and hundreds, and hundreds of meetings that I sit in on, I dare you to be able to explain how your explanations are going to be better than the explanation I get in my meetings to understand the information that's being transmitted to me by everybody else. So I ask you, throw this stupid bill away, because that's what it is. It's a very, very bad bill. Thank you very much. Bye.

CHAIR VICTORINO: Thank you, Mr. Mayor. Any questions for the Mayor? Thank you, sir, for coming down. We will be working on this and get back to you. Thank you, sir. Okay. Any other testifiers? None in the Chamber. Well, let's start with our District Offices. Let's start with Hana. Hana, do you have anyone waiting to testify?

MS. LONO: The Hana office has no one waiting to testify, Chair.

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

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

CHAIR VICTORINO: Thank you, Denise. On Molokai, Ella, do we have anyone wishing to testify on Molokai?

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

CHAIR VICTORINO: Thank you. I will give one more opportunity to anyone in the gallery who has not testified wishing to testify, please step forward to the podium. And that doesn't include you, Kim, I'm sorry. Seeing none, with no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very much. Okay.

. . .END OF PUBLIC TESTIMONY. . .

ITEM PIA-2(17): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(CIVIL SERVICE COMMISSION) (CC 15-5)

CHAIR VICTORINO: Our first item today is a Nomination to Boards, Committees, Commissions (Civil Service Commission). The Committee is in receipt of communication dated August 20, 2015, from the Mayor, transmitting a proposed resolution, entitled Relating to the Appointment of Ms. Ivy Waller to the Civil Service Commission, along with her application which is in your binder. Ms. Waller is present today and thank you very much for being here and I'll call you up very shortly. In fact, why don't you come up to the podium if you don't mind? Kim, will you turn off the red light, please? Thank you. And to answer any questions you may have. But

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

before I start I will turn to the Administrative Assistant, Mr. Molina, for a brief introduction of Ms. Waller.

MR. MOLINA: Thank you very much, Mr. Chairman, and good morning, Committee Members. The Administration would like your consideration of Ivy Waller to serve on the Civil Service Commission for a term expiring March 31, 2020. Ms. Waller is a graduate of Baldwin High School and then also attended college on the mainland and abroad. She received a Computer Science Degree from William Paterson University in New Jersey, and then attended the prestigious University of College Cork over in Ireland where she managed to obtain a Management Information and Managerial Accounting Systems Degree. And so if you've noticed on her application she's had a lot of extensive business experience and she's currently with the Honua Kai Condominium Association and amongst her former employers it includes the prestigious Accounting Firm Ernst and Young. We certainly feel very fortunate that Ms. Waller who's a Lahaina resident is willing to take the time to serve on the Commission. And with that being said, Mr. Chairman, I'm open for any additional questions from the Members. Thank you.

CHAIR VICTORINO: Thank you. But since we have Ms. Waller here, I will ask her, unless someone has a direct question for the Administration I will then ask you if you have any questions for Ms. Waller. We will start, good morning, and thank you for being here. It's nice to see you.

MS. WALLER: Good morning. Thank you.

CHAIR VICTORINO: I've known Ms. Waller's family, I've known your dad for many, many years and I've seen this young lady grow up and it's a real pleasure to have her here. And thank you for putting yourself out and being willing to serve this County. Thank you, at such a young age too. I really do appreciate it. We'll start right here with Ms. Baisa and work our way right down the line. Go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you so much, Ms. Waller, for being here this morning. And I'm going to forgive you for graduating from Baldwin High.

CHAIR VICTORINO: No personal high schools involved.

COUNCILMEMBER BAISA: You have a very, very impressive resume. And I want to thank you very much for putting yourself out there, and of course, you know, this is a question that we routinely ask people and I just want to ask it for the record. And that is the time commitment that's necessary, are you going to be okay with that?

MS. WALLER: I am. My General Manager, Rick Tanner had actually suggested that I do this and so he's, and I also let my Board of Directors at the Honua Kai Condominium Association let them know that I'm doing this also and everybody was very supportive.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBER BAISA: That's wonderful because if they're supportive then it'll be easy for you to get here and again I just want to thank you very much for volunteering. This is a big job and we're grateful that we have citizens that volunteer. However, it does distress me when I watch the meetings that are rebroadcasted and see that, you know, quorums cannot be maintained and to me, you know, you take a job, you've got to understand that you're going to have to be there. So thank you very much.

MS. WALLER: Thank you.

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

COUNCILMEMBER CARROLL: Thank you, Chair. And thank you so much for volunteering for this position. I too am impressed with your experience and your resume and I'm sure you'll be a great asset to the County. Thank you.

MS. WALLER: Thank you.

CHAIR VICTORINO: Thank you, Mr. Carroll. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Thank you for being here this morning. I have a couple of questions. Looking at your employment history there are a couple of gaps that are not covered, can you let us know, Ernst and Young you worked for about five months through January of 2010 but then it appears that you didn't have a, at least you don't list anything between 2010 and 2013. Can you share with us what you were doing during that timeframe?

MS. WALLER: I had a baby. My son is now five years old but at the time in Ireland I did an internship with Ernst and Young and they actually offered me a position and I was not able to take it because I wasn't sure how I would do alone as a single mother there in Ireland, and so I came back home which my parents were very happy about. So that's one of the reasons why I'm back here in Hawaii.

COUNCILMEMBER WHITE: Okay. And then another gap from, well I guess it wasn't much of a gap 8/13 to 2014. Have you taken a look at what the responsibilities of the Civil Service Commission entail?

MS. WALLER: Yes, I have and they sort of mirror what I'm doing now which is HR and budget. So I was kind of excited that I got chosen for it because I had actually put in for other boards, and when Mr. Molina called me and let me know what they had in store for me I was actually pretty happy with it, yes.

COUNCILMEMBER WHITE: One of the things that I think this Council would like you to focus on is the hiring process. How long does it take you to get a decision from the time a department asks you to fill a position to the time you're able to offer employment, roughly how long does that generally take?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

MS. WALLER: You know that depends on the manager. We have security and we have engineering. Engineering tends to be a little bit tougher because of the skill set that you're looking for. Security is a little more lax, you know, you're kind of, what you're looking for is less than the engineering. So I would say it takes about a month for engineering and about three weeks or so and that's on average for security.

COUNCILMEMBER WHITE: Well when you get to the Civil Service Commission we would like you to work on helping the Department of Personnel to reduce the amount of time it takes to fill positions because we have situations where it takes six months to eight months, and sometimes longer. And so we would love your help on that.

MS. WALLER: Absolutely.

COUNCILMEMBER WHITE: Thank you.

MS. WALLER: Thank you.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: No further questions. Thank you, Chair.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER GUZMAN: It seems that she's very qualified.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: No questions but just comments. I want to thank you for stepping up to the plate and hope this addition to your resume will continue to have your participation. Thank you.

MS. WALLER: Thank you.

CHAIR VICTORINO: Thank you, and thank you, Committee Members. I have a couple quick items I want to cover with you. You understand this Commission is very, very important as what Mr. White has just stated to you. But also you may be called upon to appoint the County Personnel Director which is an extremely important job. There are also hearings on appeals by officers and employees that actions taken by Personnel Director Services or by appointing authority department heads. You know you do this in HR so you're going to have a pretty good understanding of what you need to do but it's a little different when it comes to the government process versus the private sector process and I think that's what Mr. White's trying to allude to. If we could close that gap a little in time wise that would be fantastic. But just wanting your understanding that some of the Commission's responsibilities are very important. One of them also is advising the Mayor and the Director of Personnel Services on

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

problems concerning personnel Administration. So these are very important, probably one of the more important boards and commissions that we have out there, maybe flies under the radar until something controversial may come up. However, very, very important, so I guess the question I have to you, are you ready to take on this responsibility?

MS. WALLER: I think so, yes. Absolutely.

CHAIR VICTORINO: Okay. And that's fine. And, you know, I don't have to forgive you for going to Baldwin because I'm not from Maui originally so I don't have to forgive you for that. Any other questions for Ms. Waller? Seeing none, then I'd like to make my recommendations if I may.

COUNCILMEMBER BAISA: Yes, recommendation.

CHAIR VICTORINO: With no further discussion the Chair would like to entertain a motion to adopt the proposed resolution entitled Relating to the Appointment of Ivy Waller to the Civil Service Commission.

COUNCILMEMBER CARROLL: So move.

COUNCILMEMBER BAISA: He said it.

CHAIR VICTORINO: Okay and you...

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: Okay. It's been moved by Mr. Carroll and seconded by Ms. Baisa. Any further discussion? Seeing none, all those in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Oppose? Let the record show six "ayes," no "noes," and three excused; Ms. Cochran, Mr. Couch, and Mr. Hokama, and I will not repeat that the rest of the meeting.

VOTE: AYES: Chair Victorino and Councilmembers Baisa, Carroll, Crivello, Guzman, and White.

NOES: None.

EXC.: Vice-Chair Couch and Councilmembers Cochran and Hokama.

ABSENT: None.

ABSTAIN: None.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

MOTION CARRIED

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

CHAIR VICTORINO: Thank you very much. Congratulations and welcome.

MS. WALLER: Thank you.

CHAIR VICTORINO: Thank you, ladies and gentlemen. Let's move on, and I would like to, with your permission I would like to move to item number three if there is no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

ITEM PIA-28: OFFICE OF THE MAYOR'S PUBLIC INFORMATION OFFICE AND STANDARDS FOR MEDIA STATEMENTS (MISC)

CHAIR VICTORINO: This item is PIA-28. This is relating to the Office of the Mayor's Public Information Office and Standards for Media Statements. The Committee is in receipt of correspondence dated September 8, 2015, from Councilman Don S. Guzman, transmitting a proposed bill entitled A Bill for an Ordinance Relating to Standards for Certain Media Statements Issued by the Mayor's Office. The purpose of the proposed bill is to provide legal review of media statements issued on the County's behalf by the Office of the Mayor, including the County of Maui's Public Information officers, Office I should say, referring or relating to litigation and confidential personnel matters. At this time I would like to call upon Mr. Guzman for a brief explanation. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Just for a brief background, this Committee item was referred from Budget and Finance under Committee Report 15-53. This has brought up, as the Mayor had mentioned this is the second time that it had been brought up, but what had triggered it being brought up was several litigation matters that are in my Committee, Committee of the Whole wherein I believe you yourself, Chair, were a part of that discussion regarding press releases by the Maui County Public Information Office regarding some of our settlement negotiations as well as settlements and a couple or three big litigation matters that we have before the Committee of the Whole. That being said, when those statements go out, they go out on a press release that is by the Public Information Office and that letterhead or the perception of that representation is perceived as being from the County of Maui. I've submitted to this Committee the letterheads of the Public Information Office. It does say County of Maui. Compare that to the Office of Economic Development, their letterhead says Mayor's Office. So there is a representation that when statements are set forth in the public regarding litigation matters they seem to, and there's a

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

perception of it representing the County, well in fact it's not, it's just the Mayor's Office. So there needs to be a distinction, number one, between the two. This bill does not regulate all of the press media that the Mayor wants to put out there or any of the departments. What this regulates is litigation matters that are sensitive and settlement negotiations that have been executed and have settlement terms within them that could be violated if a press release were issued without any approval from the Corporation Counsel or at least that knowledge of having certain conditions in the settlement agreement that prevent press releases. So this is just to ensure that litigation matters in the Committee of the Whole and litigation matters that are in the process of being settled or being executed as settlement do not get violated or jeopardized. The, right here I would just like to quote the bill itself. It's referenced to litigation or confidential personnel matters such as where consideration affecting privacy and it's strictly for litigation. So we're not saying hey we're going to put a hold on any type of media. We just want some assurances that when press releases go out it's not the representation of the County. They need to change their letterhead and those press releases need to say the Mayor's Office but not the County of Maui. So I've submitted that, those letterheads to the Committee. As well as it was actually Mr. Hokama who raised this issue in the Committee of the Whole. I brought forth this bill, had it redrafted in accordance working with Charles Thompson who's the General Counsel and Executive Director of the International Municipal Lawyers Association and I believe you, Chair, know him. He's from NACo; he's the head of the attorneys of the different jurisdictions and municipalities. They also provided the documentation, a summary of all the recent U.S. Supreme Court decisions and other current issues and one of the major cases in there specifically deal with this. I believe that Mr. Antone who is the Director of the County of Maui Public Information Office, it is part of his duty and scope to send out statements. So if that is his duty and scope then under the case law we're able to regulate that. Any other matters they can do what they will. But the fact that they're going out and representing it's from the County I think that's the issue. What else...

CHAIR VICTORINO: So, Mr. Guzman, if I am correct, it is my understanding that there is some more work that needs to be done--

COUNCILMEMBER GUZMAN: Oh yes.

CHAIR VICTORINO: --or work to be done in conjunction with Corporation Counsel, yourself, and others to make some I guess changes within what you have presented to us today. Is that what I'm, am I correct in understanding that?

COUNCILMEMBER GUZMAN: Yes, that is also correct. I also submitted to the Committee for a request which I did, you know, almost a year ago request for the policy and rules and regulations for the media director, the Public Information Office and they said that, I didn't get a response so I had to go through formal channels. And so I submitted to the Committee their response to the State request which basically said that they don't have records of any type of policy.

CHAIR VICTORINO: Okay.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBER GUZMAN: So that's also submitted to the Committee as well.

CHAIR VICTORINO: Well I think...okay, go ahead.

COUNCILMEMBER GUZMAN: And then the other thing that I wanted to point out is that there's nowhere in the Charter or in the ordinance of a director of communications. There is nowhere in the charter or ordinance that provides for a department of communications. So in reality it really should be under the Mayor's Office, the letterhead, and anything that goes out to the press should say the Mayor's Office so that there's a distinction.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR VICTORINO: Thank you very much and I appreciate that, and again I look forward to the completed product when and as soon as possible that can be brought forward. And I understand all the parties' concerns and I'd like to make sure that whatever we come up with will be something that as you mentioned will represent the proper parties making those statements and review by Corporation Counsel I think is very important. We do it with almost everything we send out, it has to be approved by the Corporation Counsel. So, with that being said, Mr. Antone, would you like to add anything else?

MR. ANTONE: Yes, I...

CHAIR VICTORINO: Because I intend to defer it, but go right ahead.

MR. ANTONE: Sure, sure. Just to assure you folks there is not a press release that goes out that is not reviewed and approved by whatever department it's about. If we're putting something out about a road closure it goes out to Public Works. They check it, I receive it, we send it out, and especially there is no department that has worked with more than Corp. Counsel, because as Councilman Guzman knows as an attorney, the best way to get sued is not to check with your attorney first. So anything that goes out on behalf of a, if it's litigation is always checked with Corp. Counsel and I usually check with Pat Wong, sometimes Ed, and Pat's very careful. He's always told me that he doesn't say anything that he wouldn't be willing to say under deposition. So I figure if he approves it it's safe. As for the seal, I think we've just been using whatever materials, you know, the kind of the format that was there when we got into office. I can't speak about the seal. I mean that's something I guess you guys can talk about. But that's all, that's all I wanted to say. Thank you.

CHAIR VICTORINO: And I think, you know, thank you for that clarification. Again, this is where we will vet the whole process and maybe make those substantial changes that we need that we feel comfortable with. Mr. Guzman?

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBER GUZMAN: Thank you, Chair. I just wanted to make sure that we limit the issue here. We're not talking about road closures and things like that.

CHAIR VICTORINO: Yeah, understood.

COUNCILMEMBER GUZMAN: The real issue that was brought up in the Committee of the Whole and I believe it was on record in open session and you were present, Chair, is the litigation matters. And I believe Mr. Wong was present as well, and Mr. Hokama as well as Chair White asked Mr. Wong whether there was approval that would filter through to his office on these type of press releases and I believe that he said no and that triggered Mr. Hokama to request some type of legislation to happen. And the fact that we as Councilmembers once we enter in to executive session, we're bound by not disclosing those meetings. And the other issue on the other hand was well there was nothing to bind the Administration side on when it came to disclosure. So I'm purely narrowing the scope, and this is not anything to do with road closures or anything else but just the public to know that this is litigation matters. Thank you.

CHAIR VICTORINO: Okay. Thank you. And at this point unless there's much more to discuss, I would like to defer this matter because I think once we get back the final version then we can vet and discuss whatever issues may come up. I understand what you're saying, Mr. Guzman, and I've read the bill so I'm clear on that. And again as I mentioned to you, Mr. Antone, it is limited to those areas but it's good to hear, and the public needs to hear that whenever a press release comes out that there's been work done on it by the department, by the Office of Information Practices, that it's done properly. You know it's the right information. So with no objections, I'd like to defer this matter. Any objections?

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: DC, EC, RH).

CHAIR VICTORINO: No objections. Thank you.

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: And thank you, Mr. Antone, for being here. And tell the Mayor I said thank you for being here.

MR. ANTONE: Thank you.

CHAIR VICTORINO: The next item--and again I'm going to go out of order again, I apologize, and well I can only go out of order one more time and then I'm done--is really item number four. This is very important and we have representatives here this morning so with no objections, may I take up item number four which is the Grant of Real Property to Maui Memorial Medical Center, PIA-46?

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

ITEM PIA-46: GRANT OF REAL PROPERTY TO MAUI MEMORIAL MEDICAL CENTER
(CC 15-172)

CHAIR VICTORINO: If you will turn, the Committee is in receipt of County Communication 15-172, from the Director of Finance, transmitting a proposed resolution entitled Authorizing the Grant of Real Property to Maui Memorial Medical Center. The purpose of the proposed resolution is to authorize the grant of two parcels, two portions of parcels of real property to Maui Memorial Medical Center, identified as (1) "Easement "D" of the Hale O Manao Lana Hou Subdivision and (2) Lot 3 of the Maui Memorial Hospital Lot Subdivision (LUCA File 3.1774). Mr. Ueoka is present now along with Mr. Walker from, the Deputy Director of Finance. And I will ask Mr. Ueoka if he would like to take a few minutes and explain the importance of it. We also have as resource people from Maui Memorial Medical Center, Mr. Gerald Matsui, he is here to help us, and his assistant is here also, I forgot your name.

MR. MIYAHIRA (from the audience): Pat Miyahira.

CHAIR VICTORINO: Pat Miyahira is also here to assist us. So we'll call you up in a few minutes. But let Mr. Ueoka take it and then I'll call both of you up for further information. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. It was brought to the Mayor's attention that there were two encroachments on the Maui Medical, Maui Memorial Medical Center property onto County land that's currently being leased to Lokahi Pacific and Walter, J. Walter Cameron Center. They're not overly large areas, they're, you know, 10,000 square feet and 3,394 square feet. The Mayor's approach was possibly to just subdivide it out and give it over to the hospital for, just to clean it up. Of course it's, we need Council approval for those types of things and it is a little different. We rarely give away County property, we rarely sell County property. It's typically granted and, you know, the County maintains some type of, you know, ownership of it. But in this one we're looking at just giving it to the hospital fee simple, that's the proposal. Of course again, Council approval, that's why we're here. If you guys have any questions, thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Ueoka. Mr. Walker, would you like to add anything to the discussion at this time?

MR. WALKER: Nothing at this time, Chair. Thank you.

CHAIR VICTORINO: Thank you. With your permission, before we start going in to question and answers, could I call up Mr. Matsui and his assistant? If you both would come up, Pat?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: No objections, thank you. And what we'll do is after their explanation then maybe I'll open up to questions and answers from the Councilmembers first and then we can go to the Administration. Go ahead. Pat or Gerald, or whoever, go ahead.

MR. MATSUI: Yeah, thank you for allowing us to come here. This is Pat Miyahira, he is our Project Manager, and I'm Gerald Matsui, Hospital Management Officer. We're basically asking for this property number one is to clear up any encroachment that we had on the property. You know in the past the Council has been very generous and the Administration very generous in granting property so we could expand our facility and build whatever is needed to be built. At this time I have, we can answer any questions that you may have regarding this matter.

CHAIR VICTORINO: Mr. Miyahira, do you want anything, do you have anything else you'd like to add? Okay. At this time I'll start from the other side of the Council, Mr. White, do you have any specific questions for either of the gentlemen?

COUNCILMEMBER WHITE: No questions. Thank you, Chair.

CHAIR VICTORINO: No questions? Mr. Guzman, do you have any particular questions?

COUNCILMEMBER GUZMAN: Not at this time but I will have.

CHAIR VICTORINO: Okay. Thank you. Ms. Crivello, do you have any questions?

COUNCILMEMBER CRIVELLO: Not at this time, Chair.

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

COUNCILMEMBER CARROLL: No. Just that I'm glad that this is settled. This was a matter of contention way back when we were doing the first parking lot of the center, this particular piece of property. And I'm glad we have the opportunity to settle this now. Thank you.

CHAIR VICTORINO: Thank you, Members. And I will ask if you would have a seat and in case there is anything we need from you, Mr. Miyahira or Mr. Matsui, we'll call upon you again. At this time I'll turn to the Administration. Mr. White, do you have any questions for the Administration?

COUNCILMEMBER WHITE: No questions. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Guzman?

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair. I just wanted to get a little bit more of the background on it, on how it initially was settled and were there any, just more of detailed information.

CHAIR VICTORINO: Are you looking for historic...

COUNCILMEMBER GUZMAN: Yeah, historic.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Yes, yes, correct.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Correct, historical.

CHAIR VICTORINO: Thank you. No, just because I just, you know, to help --

COUNCILMEMBER GUZMAN: Yeah, correct, yeah.

CHAIR VICTORINO: --Mr. Ueoka or Mr. Walker, and maybe one of the two gentlemen may be needed up here to give us some historic perspective, please. Mr. Walker or Mr. Ueoka?

MR. UEOKA: I'll take a crack at it, Chair.

CHAIR VICTORINO: Sure, go ahead.

MR. UEOKA: We were just or the Mayor was contacted by Maui Memorial Medical Center about this issue, potential issue, and this was the resolution. Nothing settled at this point, this is the proposed resolution. We need Council approval to, and I don't even know if I want to use the word settle but to give them the land we need Council approval, so that's the stage we're at right now. For a more historical perspective I believe the gentlemen from Maui Memorial Medical Center would probably be better equipped to answer that. Thank you.

COUNCILMEMBER GUZMAN: Chair, if you...

CHAIR VICTORINO: I'll call them up.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Mr. Matsui? You're Mr. History over here. And, Mr. Guzman, before Mr. Matsui starts it's my understanding that part of this is to clean up all of this so that when the final agreement is reached between Maui Memorial and whatever other entities for the privatization, I guess is the word I want to use, that all of this is cleared up and that the next group don't have to go through the same process. So we're just

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

trying to clean up what's been there for like Mr. Carroll said a long, long time. But anyhow here's the history. Go ahead, Mr. Matsui.

COUNCILMEMBER GUZMAN: Thank you for that. I was trying to figure out why was this necessary and why is the County involvement. But anyways let's...

CHAIR VICTORINO: Yeah, Mr. Matsui, please.

MR. MATSUI: Okay. Back in the early '90s before Pat or myself was working for the hospital, the hospital in their development of a parking lot near the Cameron Center, they actually encroached on the Cameron Center...I mean the County's property that was leased to the Cameron Center. Now that property is very, the terrain is very steep and so this is where our discussions with the Cameron Center as well as all our neighbors, you know, we said hey, can we resolve this matter, would you be willing to be okay if we went to the County to allow the County to grant the real property to Maui Memorial and they all said okay. And we have submitted letters of testimony. So basically it happened before our time. When we were doing our master planning and had the lot surveyed also we found the encroachment and this is what started this whole matter of trying to get the property cleared up, getting the encroachment cleared up. And it will also help us, just FYI, when we're trying to develop the master plan we're, should funds become available we will build a parking structure and this, you know, steep property, even if it's very expensive to develop could help us as far as the property boundary lines, you know, and the setback requirements.

COUNCILMEMBER GUZMAN: Okay. Thank you very much.

CHAIR VICTORINO: Does that satisfy your question?

COUNCILMEMBER GUZMAN: Yeah.

CHAIR VICTORINO: Okay, thank you.

COUNCILMEMBER GUZMAN: It completely does. Thank you.

CHAIR VICTORINO: Any other questions for the Administration? Maybe you might stay there 'cause we might...any other questions specifically for the Administration? Seeing none, thank you, Mr. Miyahira and Mr. Matsui. So I would like to make my recommendation, if there's no further discussion.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. With no further discussion, Members, the Chair would like to recommend the adoption of the proposed resolution entitled Authorizing of the Grant of Real Property to Maui Memorial Medical Center, and the filing of County Communication 15-172. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair, I move that.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It's been moved by Ms. Baisa, seconded by Mr. Carroll. Any further discussion?

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Yes?

MS. WILLENBRINK: Could you include nonsubstantive revisions in that?

CHAIR VICTORINO: And nonsubstantive revisions, thank you. I thought that's an automatic but I guess I better say it, right? Okay. With no further discussion, all those in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show six "ayes," three excused, and I've already mentioned their names, and no "noes."

VOTE: AYES: Chair Victorino and Councilmembers Baisa, Carroll, Crivello, Guzman, and White.

NOES: None.

EXC.: Vice-Chair Couch and Councilmembers Cochran and Hokama.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR VICTORINO: Thank you very much. Thank you, Mr. Matsui, Mr. Miyahira. Good luck. Thank you. Thank you, Mr. Walker and Mr. Ueoka, for being here.

ITEM PIA-23: UNITED STATES CONSTITUTIONAL AMENDMENT TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM (CC 15-126)

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

CHAIR VICTORINO: The final item we have today which was number two, which turned out to be number four. Alrighty. Okay. Item number two is the United States Constitutional Amendment to Regulate the Influence of Corporate Power on the Political System, PIA-23. I've, I transmitted the next item as revised proposed resolution entitled Requesting the Maui County Congressional Delegation to Support an Amendment to the United States Constitution to Prohibit [sic] Congress and the States to Regulate the Influence of Corporate Power on the Political System. The purpose of the resolution is to urge the Maui County delegation to the United States Congress to support a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, with the objective of negating the United States Supreme Court's holding that in *Citizens v. the Federal Elections Commission*, and restoring the authority of the Congress and the states to regulate the influence of corporate power on the political system. I'm certain most members are very familiar with this case, but I would like to provide a little background for the public. In 2010, the United States Supreme Court decision held that corporations are considered people and can therefore enjoy the rights of freedom of speech under the first amendment to the Constitution. The majority opinion of this decision held that campaign contributions by corporations are free speech. This ruling has allowed corporate influence over the political process. While the resolution does not have force or effective law, as you well know, I believe this sends a strong message to our legislators in Congress. More than 600 state and municipal legislations, including the other three counties in Hawaii, have adopted this resolution. So, at this time I will open the floor up for questions. I think you all have a copy of the resolution itself. I'll start with you, Mr. Guzman, and work my way down. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Yeah, I actually will support this resolution. The issue for me is, okay if you're an individual person there is a cap on that person in donation. And I believe on the Council it's \$2,000 but there is no cap in terms of the super PAC entities so they can contribute as much money as possible to campaign, to help campaign a certain individual or candidate. Why wouldn't there be a cap? If you're going to cap individuals, why wouldn't you cap super PACs? So that's, it's not that I wouldn't want them to be prevented from donating to candidates, but there should be some type of limitations to it. So that's why I would support this. Thank you.

CHAIR VICTORINO: Thank you, Mr. Guzman, and I agree with you wholeheartedly. What's good for the goose is good for the gander, you know, if you want to use that term. And I believe that if they're considered a person and I'm considered a person and I'm allowed only 2,000, then they should be allowed the same amount and not be...

COUNCILMEMBER GUZMAN: . . .(inaudible) . . .

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: . . .(inaudible) . . .

CHAIR VICTORINO: Yeah. Thank you. Ms. Crivello?

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you for bringing this forward. I think just the fact that we'll join our fellow counties as well as the State Legislature will send a strong voice I think from Hawaii to our respective delegates. So it's a good thing if we can have a cap, wonderful. We can also have some control over the exuberant expenses it takes to run for office in competition with those that receive these super PAC monies. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I think this is really a no-brainer. I think we all get it that this is the right thing to do. I'm concerned about the effect of it and how effective we can be. But, you know, together we know that things happen and we are joining a huge network of people who feel the same way. And so I think it's important that we be a part of it. Thank you.

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

COUNCILMEMBER CARROLL: Thank you, Chair. I strongly support the proposed resolution. Thank you.

CHAIR VICTORINO: Thank you. And thank you, Members, that are here right now. I believe that this a step like you mentioned, Ms. Baisa, you know, we may not have force of effect of law but it's still a voice that needs to be reckoned with. I think this is very important. And when I think it really hit me is this past election when super PACs got to the level of our Council, our local level, I really became concerned. You know I never was overly concerned with the national or even State because that was a different premise. But it got down to the local level right here and we saw an enormous amount of mailers and others publications by these super PACs where someone like myself if I was running against somebody like that I had no options. On top of that you had no options because they can just put it out without your permission and that's another scary issue you know. So I really thought this was an appropriate time to bring this out. I wish I had done this a little earlier. But I'd like to join our other three sister counties and the State as being a part of it. So any other questions or discussion? Seeing none, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to adopt the proposed resolution entitled Requesting Maui County Congressional Delegation to Support an Amendment to the United States Constitution to Permit the Congress and the States to Regulate the Influence of Corporate Power on the Political System, and filing of County Communication 15-126, and any substantive [sic] changes that may be necessitated. Ms. Baisa?

COUNCILMEMBER BAISA: So moved, Mr. Chair.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

COUNCILMEMBER CARROLL: Second

CHAIR VICTORINO: It was moved by Ms. Baisa, seconded by Mr. Carroll. Any more discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All those opposed? Let the record show five "ayes," no "noes," and Ms. Cochran, Mr. Couch, Mr. Hokama, and Mr. White excused.

VOTE: AYES: Chair Victorino and Councilmembers Baisa, Carroll, Crivello, and Guzman.

NOES: None.

EXC.: Vice-Chair Couch and Councilmembers Cochran, Hokama, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR VICTORINO: That concludes our meeting this morning. Boy, four items in one hour. I have got to be...we...thank you, Members, that was awesome. In fact, if those who want to attend I guess that presentation upstairs you're now free to do that. With no objections...you have something to, oh I thought you had something to say, Mr. Kushi, you turned and looked at me. With no objections, the meeting of the Policy and Intergovernmental Affairs Committee, September 14, 2015 is now adjourned. . . .(gavel) . . .

ADJOURN: 9:55 a.m.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 14, 2015

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:150914:mt

Transcribed by: Marie Tesoro

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

September 14, 2015

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 2nd of October 2015, in Wailuku, Hawaii

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

Marie Tesoro