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3 COUNTY OF MAUI, STATE OF HAWAII
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8 BOARD OF ETHICS
9 REGULAR MEETING
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15 Held at the Planning Department Conference Room, 250
16 South High Street, Wailuku, Maui, Hawaii, commencing at
17 12:02 p.m., on Wednesday, May 11, 2016.
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Randol Leach, Chair
4 Norman Franco, Vice-Chair (Out, 2:35 p.m.)
5 Sara Gadarian, Secretary
6 Abel Kahooohanohano, Jr., Member
7 Matthew Macario, Member
8 Herman Nascimento, Member
9 Rachel Phillips, Member (Out, 4:09 p.m.)
10 Noreen "Dee Dee" Yabuta
11 STAFF PRESENT:
12 Gary Y. Murai, Deputy Corporation Counsel
13 Angela Andrade, Executive Secretary
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1 (Wednesday, May 11, 2016, 12:02 p.m.)
2 * * *
3 CHAIR LEACH: I would like to call to order the
4 Maui County Board of Ethics May 11, 2016 meeting.
5 First agenda item, I would like to thank Norman
6 for chairing the Board of Ethics the last two meetings.
7 Thank you very much.
8 VICE-CHAIR FRANCO: Glad to see you back. Getting
9 worried.
10 CHAIR LEACH: First item on the agenda is review
11 and approve the April 13th, 2016 minutes. Is there a motion
12 to approve?
13 MEMBER MACARIO: So moved.
14 CHAIR LEACH: Is there a second?
15 MEMBER KAHOOOHANO HANO: Second.
16 CHAIR LEACH: Any discussion? All in favor, say
17 "aye."
18 (Response.)
19 CHAIR LEACH: Opposed?
20 (No response.)
21 CHAIR LEACH: Unanimous. Thank you.
22 Next item on the agenda is the election of new
23 officers for the coming year on the Board of Ethics. I will
24 open --
25 MEMBER GADARIAN: Sorry. You missed --

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1 CHAIR LEACH: Oh, I'm sorry. Yes. We would like
2 to welcome our new Member, Rachel Phillips, to our Board.
3 Thank you for volunteering your service and time. And if
4 you would like to introduce yourself and tell us a little
5 bit about yourself.
6 MEMBER PHILLIPS: Sure. Good afternoon,
7 everybody. I was born on Oahu, but raised on Maui and lived
8 on Maui pretty much my whole life. My professional
9 background is in real estate and construction. And this is
10 the second board or commission that I've served on. And I
11 am serving just because I want to be a part of the County
12 government and participate in it.
13 CHAIR LEACH: Thank you. What was the other
14 commission or board?
15 MEMBER PHILLIPS: Variances and Appeals.
16 CHAIR LEACH: Thank you. Welcome.
17 MEMBER PHILLIPS: Thank you.
18 CHAIR LEACH: Next item on the agenda is election
19 of new officers for the coming year on the board. I will
20 open the floor for nominations.
21 MR. MURAI: Excuse me, Mr. Chair, if I may.
22 Members, I guess the first thing we need to do is
23 determine -- we need to, as a Board, decide how we're going
24 to conduct the election of officers. Typically, it would
25 be -- what the process would be, would be to open the floor

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1 for nominations, to hear the nominations, and then a motion
 2 to close nominations. And then Members may speak in favor,
 3 you know, or against the nominees. And then once the
 4 discussion is concluded and the Board is ready for a vote,
 5 we'll have to -- I guess the Chair will decide how we're
 6 going to vote. The different methods of voting could be all
 7 in favor of so-and-so, raise your hand, or it could be a
 8 roll call or it could be by, you know, writing people's
 9 names down on a slip of paper and then receiving them. So,
 10 anyway, that's the -- if that's okay with you folks,
 11 typically we follow that procedure of opening the floor,
 12 hearing the nominations, closing the nominations, having
 13 discussion, and then -- then having a vote. And we'll be
 14 electing two officers, the Chair and the Vice-Chair. So --
 15 CHAIR LEACH: And Secretary.
 16 MR. MURAI: Oh, and the Secretary. So I guess
 17 we'll start with the nominations for Chair, then Vice-Chair
 18 and Secretary. Is that agreeable to everyone?
 19 VICE-CHAIR FRANCO: All right. I make a motion --
 20 CHAIR LEACH: Okay. Well, I will open the floor
 21 for nominations for Chair.
 22 VICE-CHAIR FRANCO: I think a lot of people
 23 waiting, so I make the motion that we retain Randol Leach as
 24 our Chair.
 25 MEMBER MACARIO: Second.

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1 MEMBER YABUTA: Second.
 2 CHAIR LEACH: Any other nominations?
 3 MR. MURAI: Motion to close nominations.
 4 CHAIR LEACH: Is there a motion to close --
 5 MEMBER NASCIMENTO: So moved.
 6 MEMBER YABUTA: Second.
 7 CHAIR LEACH: All in favor, say "aye."
 8 (Response.)
 9 CHAIR LEACH: Now we'll call the vote.
 10 MR. MURAI: Well, Randol, people may want to
 11 have -- people may have nice things they want to say about
 12 you.
 13 CHAIR LEACH: Well, in the interest of time --
 14 MR. MURAI: Or the opposite. But if the Members
 15 are ready to vote, then --
 16 CHAIR LEACH: I will call the --
 17 VICE-CHAIR FRANCO: Call for the question.
 18 CHAIR LEACH: Call for the question -- for the
 19 vote. All in favor of retaining Randol Leach as your Chair,
 20 say "aye."
 21 (Response.)
 22 CHAIR LEACH: Opposed?
 23 (No response.)
 24 MR. MURAI: The vote is unanimous.
 25 VICE-CHAIR FRANCO: Okay.

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1 CHAIR LEACH: Now we'll go to Vice-Chair. And
 2 we'll open nominations for Vice-Chair.
 3 MEMBER YABUTA: I nominate Norm for Vice-Chair
 4 again.
 5 MEMBER MACARIO: Second.
 6 CHAIR LEACH: Second. All in favor, say "aye."
 7 (Response.)
 8 CHAIR LEACH: Are there any other nominations for
 9 Vice-Chair? I will call the vote for Norman Franco as
 10 Vice-Chair. All in favor, say "aye."
 11 (Response.)
 12 CHAIR LEACH: Opposed?
 13 (No response.)
 14 CHAIR LEACH: Unanimous. This is usually a
 15 contested officer, secretary.
 16 MEMBER YABUTA: I nominate Sara.
 17 VICE-CHAIR FRANCO: Yay, Sara.
 18 MEMBER MACARIO: Second.
 19 CHAIR LEACH: All in favor?
 20 (Response.)
 21 CHAIR LEACH: Any discussion?
 22 VICE-CHAIR FRANCO: No discussion.
 23 CHAIR LEACH: Any other nominations for Secretary?
 24 I will call for the vote. All in favor of Sara Gadarian for
 25 Secretary position, say "aye."

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1 (Response.)
 2 CHAIR LEACH: Opposed?
 3 (No response.)
 4 CHAIR LEACH: Unanimous. Thank you, Sara.
 5 Next item on the agenda is public testimony. Do
 6 we have any public testimony today?
 7 MS. ANDRADE: No.
 8 CHAIR LEACH: Thank you. Next agenda item, Old
 9 Business. Financial Disclosures, we have none.
 10 Communication items, we have none.
 11 New Business. Financial Disclosures for Guzman,
 12 King, Miyamoto, Molina, Savage, Underwood, Walker, Wong. Is
 13 there a motion to acknowledge receipt of those Financial
 14 Disclosures?
 15 MEMBER NASCIMENTO: So moved.
 16 CHAIR LEACH: Is there a second?
 17 MEMBER MACARIO: Second.
 18 CHAIR LEACH: Any discussion?
 19 MEMBER GADARIAN: Yes. This is a recurring matter
 20 of discussion, and I am bringing it up again, that Donald
 21 Guzman and Brianne Savage have received in excess of \$1,000
 22 of tickets for the basketball tournament that's held in
 23 November. And in my opinion, it can be considered as a
 24 reward for behavior because it's utilizing public
 25 facilities. And it's not -- it's items that are not easily

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1 available to the public.

2 MR. MURAI: Excuse me, Member Gadarian. I am

3 looking at Mr. Guzman's Financial Disclosure. Are you

4 looking at the one that's file marked April 15, 2016?

5 MEMBER GADARIAN: Yes.

6 MR. MURAI: Okay. I'm sorry. It's on the back.

7 I'm sorry.

8 MEMBER GADARIAN: Yes. He disclosed that he

9 received \$2,190 worth of gifts for the 32nd Annual Maui Jim

10 Maui Invitational Basketball Tournament. The other -- the

11 other person is Brianne Savage, who is Deputy Director of

12 Department of Parks and Recreation, as a County employee.

13 And she also received value from -- she indicated the value

14 in the range of \$1,000 to \$9,999 for the invitational

15 tournament. She is Deputy Director of Parks Department,

16 Parks and Recreation. It would seem that she could have

17 attended the tournament as part of her duties because Parks

18 and Recreation was heavily involved in conducting the

19 tournament. It was not necessary for her to receive tickets

20 to the games to do her duty as -- as her job.

21 VICE-CHAIR FRANCO: Well, this is the first time I

22 see an employee of the County receiving these tickets, which

23 usually goes to elected officials, the Council. But this

24 kind of disturbs me that, you know, an employee of the

25 County is getting favorable treatment from the sponsors of

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1 the event. Questions what kind of treatment you receive,

2 and that's kind of reward. These tickets are hard to come

3 by. And you're right, Sara, it seems a bit scary to know

4 that they're getting free tickets for work they supposed to

5 be doing representing the people of Maui, and why they

6 getting these tickets and what they had to do to get it. We

7 ought to question the whole process.

8 How close are we to changing the rules on this,

9 Randol? You've been in contact with --

10 CHAIR LEACH: Yeah. Vice-Chair, the proposed

11 Charter ordinance is at Mike White's office right now. I

12 will ask Gary if he's gotten an update on the status of that

13 regarding the gift limitations.

14 MR. MURAI: I haven't heard back from Mr. White's

15 office yet.

16 CHAIR LEACH: Regarding these two Financial

17 Disclosures.

18 MR. MURAI: I'm sorry. In all fairness to

19 Mr. White, I did speak with his aide, he said that they

20 would be responding after -- after budget.

21 CHAIR LEACH: Okay.

22 MR. MURAI: Which has recently wrapped up.

23 CHAIR LEACH: Regarding these two Financial

24 Disclosures that we are having discussion on, the Board can

25 issue a cautionary letter, the Board can institute an

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1 informal hearing as a breach of Code of Ethics, or it can

2 accept the acknowledgment on their Financial Disclosures

3 that they've received the gift.

4 VICE-CHAIR FRANCO: Well, the fact that the next

5 term coming up in November, I doubt if it will be -- if it's

6 an ordinance change, then it has to go into election

7 process, right?

8 CHAIR LEACH: Yeah.

9 VICE-CHAIR FRANCO: So I think these people should

10 be aware that we're very displeased about, you know,

11 receiving free tickets to a basketball tournament. I don't

12 know if a cautionary letter is sufficient. I think

13 probably --

14 MR. MURAI: You know -- I'm sorry, Vice-Chair

15 Franco -- I do note that on the agenda today is discussion

16 of the very thing you're speaking of, receiving gifts.

17 VICE-CHAIR FRANCO: Okay.

18 MR. MURAI: So I remind the Board that the Board's

19 function at this point, at this -- on this matter is to

20 acknowledge receipt.

21 VICE-CHAIR FRANCO: Okay.

22 MR. MURAI: You can reserve the concerns about the

23 propriety of the gift for further down the agenda.

24 VICE-CHAIR FRANCO: Okay. Fine.

25 MEMBER GADARIAN: Sorry. The propriety of the

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1 gift is not necessarily related to our efforts to limit the

2 dollar amount of the gift. There's still the matter of the

3 propriety of the gift that someone receives tickets for a

4 County function regardless. That's two different subjects

5 we're talking about, limitation on receiving gifts of a

6 dollar amount versus a gift that could be intended as a

7 reward, and that's my interpretation, that it's intended --

8 that it's given as a reward for official action.

9 CHAIR LEACH: We'll address that in 7.d.

10 MEMBER GADARIAN: Okay.

11 CHAIR LEACH: Any more discussion?

12 MEMBER KAHOOHANOHANO: I have one. Eric Molina,

13 he didn't fill out -- it's incomplete. He didn't fill out

14 this Financial Disclosure completing from Items 3 to 10. It

15 needs to be sent back.

16 CHAIR LEACH: He didn't have his filing date on

17 there. So we'll send that one back. Is there a motion to

18 acknowledge receipt of the Financial Disclosures except Eric

19 Molina, which is incomplete?

20 MEMBER MACARIO: So moved.

21 CHAIR LEACH: Second?

22 MEMBER KAHOOHANOHANO: Second.

23 CHAIR LEACH: Any more discussion? All in favor,

24 say "aye."

25 (Response.)

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1 CHAIR LEACH: Opposed?
 2 (No response.)
 3 CHAIR LEACH: Thank you. Next agenda item,
 4 Communication. We have a item from Eric Poulson. Is there
 5 any discussion on that communication item? It's a
 6 one-page -- it's like this.
 7 VICE-CHAIR FRANCO: Oh.
 8 CHAIR LEACH: I will give everybody 30 seconds to
 9 refresh.
 10 MEMBER GADARIAN: Mr. Chairman?
 11 CHAIR LEACH: Yes.
 12 MEMBER GADARIAN: I do have an item in that,
 13 according to our rules, that communications to the Board --
 14 this is Subchapter 3, communications to the Board shall be
 15 signed in ink by the person, and it shall state, on the
 16 first page, the name, mailing address and telephone number
 17 of the person. This is not -- this document is the paper
 18 that does not have that information.
 19 CHAIR LEACH: Thank you.
 20 VICE-CHAIR FRANCO: Maybe it should be redirected
 21 and moved to a formal complaint. It's inadequate the way
 22 it's done. Dismiss it.
 23 CHAIR LEACH: We'll just acknowledge that we have
 24 received this email communication that doesn't satisfy our
 25 submission requirements. Is there a motion to accept that?

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1 MEMBER YABUTA: I move.
 2 MEMBER KAHOOHANO HANO: Second.
 3 CHAIR LEACH: Any more discussion? All in favor,
 4 say "aye."
 5 (Response.)
 6 CHAIR LEACH: Thank you. Lobbyist registration
 7 for Corie Tanida. We'll acknowledge receipt of that. Is
 8 there a motion to acknowledge receipt?
 9 MEMBER NASCIMENTO: So move.
 10 CHAIR LEACH: Second.
 11 MEMBER KAHOOHANO HANO: Second.
 12 CHAIR LEACH: Any discussion? All in favor, say
 13 "aye."
 14 (Response.)
 15 CHAIR LEACH: Thank you. Next item, 7.d.,
 16 discussion of Article 10, Section 10-4(1)(a) of the Revised
 17 Charter of the County of Maui, as amended, regarding gifts.
 18 The Board may take action on this matter. The question
 19 before the Board is regarding the Maui Invitational
 20 basketball tickets that are given out to the Council Members
 21 and department heads and employees of the County, and are
 22 they proprietary, are they gifts, and are they in violation
 23 of the Maui County Board of Ethics as receiving them. Our
 24 Corp Counsel will give us some guidance on any action we
 25 would like to take regarding this. The Chair initially

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1 thinks that there's a cautionary letter as a option, there's
 2 also an option of a formal complaint, and then we would have
 3 an informal hearing at our next meeting, or, three, we
 4 acknowledge receipt of the gifts and have no action besides
 5 that. Gary.
 6 MR. MURAI: Well, first of all, Members, it
 7 appears, as the agenda states, this is a discussion of
 8 Article 10-4(1)(a) of the Code. And if you don't have it in
 9 front of you, what it states is that no officer or employee
 10 of the County shall solicit, accept or receive any gift,
 11 directly or indirectly, whether in the form of money,
 12 service, loan, travel, entertainment, hospitality, thing or
 13 promise or in any other form under circumstances in which it
 14 can be reasonably inferred that the gift is intended to
 15 influence the officer or employee in the performance of the
 16 officer's or employee's official duties or is intended as a
 17 reward for any official action on the officer's or
 18 employee's part.
 19 Now, the range of actions that this Board may take
 20 would be, you know, to do nothing, to issue a cautionary
 21 letter, or, if the Board feels that there has been a
 22 violation of the Code of Ethics, then the Board itself could
 23 initiate a complaint by three -- a minimum of three or more
 24 Members signing a petition. Now, although the rules do not
 25 specifically provide for it, I also believe that this Board

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1 could posture this as simply issuing an advisory opinion
 2 which, in my opinion, is something more than a cautionary
 3 letter because cautionary letters generally get sent to the
 4 recipient and that's it. We may have it on file, but it's
 5 not considered an advisory opinion of the Board. However,
 6 if there is going to be an informal advisory opinion issued,
 7 whether it's in the form of simply this is our
 8 recommendation to you or as a result of a complaint or a
 9 petition alleging a violation, it would require, at minimum,
 10 notice to the affected people so that they would have an
 11 opportunity to come here and explain or respond to the --
 12 present their side of the case or respond to the Board's
 13 questions before the Board issues that informal advisory
 14 opinion.
 15 MEMBER YABUTA: Now, is this also regarding the
 16 other people holding political office that we previously
 17 discussed?
 18 CHAIR LEACH: Uh-huh.
 19 MEMBER YABUTA: Okay.
 20 MR. MURAI: Well, that's up to you folks, you
 21 know, who does this apply to.
 22 CHAIR LEACH: Is it a blanket?
 23 MEMBER YABUTA: I mean, if it's all the other
 24 individuals we've discussed over the last couple of months.
 25 MR. MURAI: Well, yeah.

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1 MEMBER GADARIAN: That was submitted.
 2 MR. MURAI: If that's what you want. If that's
 3 what the Board wants.
 4 VICE-CHAIR FRANCO: We've been down this road so
 5 many times. And it's very frustrating because you see it
 6 happen all the time. And I know it takes a long time to get
 7 anything done in the County Council. I don't know if we
 8 should have Mike White come here, explain why it's taking so
 9 long to --
 10 MR. MURAI: Well, that's a separate matter.
 11 VICE-CHAIR FRANCO: Yeah, but --
 12 MR. MURAI: That's not related to this.
 13 VICE-CHAIR FRANCO: The question is how effective
 14 is our concerns, how we going to direct it. You know, just
 15 another cautionary letter or, like Gary just suggested,
 16 maybe an advisory opinion.
 17 MR. MURAI: To respond to that, Vice-Chair, in the
 18 five or six years I've staffed this Board, all of the
 19 recipients have dutifully recorded or reported this gift.
 20 And although the Board has expressed concerns about it,
 21 prior boards have expressed concerns about it, no board has
 22 ever taken any, you know, actual action on it.
 23 If I may, one -- you know, I laid out the three
 24 different ways that the Board could communicate its
 25 concerns. And in all fairness to the folks who received

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1 these gifts, they've never heard from the Board before of
 2 the Board's concerns.
 3 VICE-CHAIR FRANCO: Okay.
 4 MR. MURAI: One option might be to issue -- to
 5 start at the lowest level of, I guess, communication, which
 6 is a cautionary letter, and then wait and see if there's
 7 compliance, see what happens next year. And if they
 8 continue to accept despite the Board's concerns, then the
 9 Board could elect to take it to the level of a complaint.
 10 VICE-CHAIR FRANCO: My primary concern now is an
 11 employee of the County, the Deputy Parks Director, getting
 12 tickets. Because like Sara said, that's his job, right?
 13 They supposed to be doing what they supposed to do and not
 14 get awarded basketball tickets.
 15 MR. MURAI: Well, you're making -- you know, I
 16 caution you not to make assumptions.
 17 VICE-CHAIR FRANCO: Okay.
 18 MR. MURAI: Because you've not heard from the
 19 County employee yet.
 20 VICE-CHAIR FRANCO: Yeah, well --
 21 MR. MURAI: What she's done is she's followed her
 22 rules in reporting the gift.
 23 VICE-CHAIR FRANCO: Okay.
 24 MR. MURAI: I would caution you not to jump to
 25 conclusions at this point.

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1 MEMBER GADARIAN: I would like to make a motion
 2 that the Board of Ethics issue a cautionary letter to those
 3 employees of the County, meaning Council Members and
 4 employees of the County, who have reported gifts from -- let
 5 me get the wording correctly --
 6 VICE-CHAIR FRANCO: From Kemper?
 7 MEMBER GADARIAN: This year it would be the
 8 Kemperlesnik Maui Jim Maui Invitational Basketball
 9 Tournament --
 10 CHAIR LEACH: Is there --
 11 MEMBER GADARIAN: -- in excess of the \$50
 12 limitation.
 13 CHAIR LEACH: Is there a second?
 14 MEMBER NASCIMENTO: Second.
 15 CHAIR LEACH: Any discussion? Call for the vote.
 16 All in favor, say "aye."
 17 MEMBER MACARIO: Sorry. I do have one discussion.
 18 Just generally, can you describe what is in the cautionary
 19 letter, and what kind of teeth does this thing have, if any?
 20 MR. MURAI: Well, I take the direction -- I am
 21 probably going to have to draft it.
 22 MEMBER MACARIO: Okay.
 23 MR. MURAI: But I will take direction from you
 24 folks as to the tone, the content of the letter. And as far
 25 as what kind of teeth it has, none, but my rationale is that

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1 these are all folks in elected office or high positions and
 2 I do believe that they will take a cautionary letter
 3 seriously, knowing that continued, I guess, disregard to the
 4 letter, you know, may result in more formal action. Again,
 5 as I point out, we've not heard from them so we don't know
 6 the other -- you know, if there's any other circumstances
 7 involved. But, you know, I do know from my past -- sitting
 8 on past discussions by this Board that this Board has raised
 9 concerns. And certainly, in my view, when you read the
 10 prohibition carefully, it's the -- even without hearing the
 11 other, you know, side of the story, the reasonable inference
 12 of influence is certainly something that's already something
 13 that Members can consider.
 14 MEMBER MACARIO: Thank you.
 15 MEMBER GADARIAN: That is my position, that it's
 16 not only a matter of influence, but it could be -- it can be
 17 considered a reward for official behavior because of the
 18 involvement of County employees and the whole County in
 19 effectively, I will use the word advisedly, subsidizing, but
 20 this -- this activity is sponsored by the County of Maui and
 21 that sponsorship involves --
 22 MR. MURAI: Actually, I have to correct you there.
 23 I do -- we have discussed this before --
 24 MEMBER GADARIAN: Yes.
 25 MR. MURAI: -- in prior boards. And my

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1 recollection of prior discussions that were held by the
2 Board of Ethics is that the County's services are -- are
3 paid for by the promoters. In other words, they rent the
4 gym. They -- in other words, they pay all actionable fees,
5 you know, for use of the facilities, as to my knowledge.
6 They don't -- the promoters don't get anything for free.
7 That's what we've been told before.
8 MEMBER GADARIAN: Well --
9 MR. MURAI: So the County does not have any
10 sponsorship of this private enterprise that rents County
11 facilities.
12 MEMBER GADARIAN: Okay. In any case, these
13 tickets are not something that's available to the public and
14 it can be considered a reward for official behavior.
15 VICE-CHAIR FRANCO: So the letter, cautionary
16 letter, you said we can set the tone. We can also say what
17 action we plan to take to limit gifts in the future, right?
18 CHAIR LEACH: Gary is going to draft a letter,
19 then we're going to review it at our next meeting.
20 VICE-CHAIR FRANCO: Okay. That's fine.
21 MEMBER YABUTA: Do we need to have anyone explain
22 to us or to myself, actually, about the entire Maui
23 Invitational process? I mean, for instance, what Gary was
24 saying is that, you know, people -- the promoters have to,
25 you know, pay a fee for the gym and whatever else they're

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1 doing, parking or whatever. Because I am really not clear
2 with anything to do with the Maui Invitational. In fact,
3 prior to us discussing this for the last few months, I
4 didn't even know the tickets were \$1,000, because I don't
5 attend these things.
6 CHAIR LEACH: Dee Dee, that's a good point. We'll
7 have the letter on the agenda for next meeting and then
8 we'll ask some of the appropriate people to come when we
9 talk about that agenda item next meeting, to give us some
10 clarification. I think that's a good idea.
11 MEMBER YABUTA: But I do agree with the cautionary
12 letter because it's not just regarding this event, but when
13 elected officials and --
14 MEMBER GADARIAN: Employees.
15 MEMBER YABUTA: -- employees accept other
16 gratuitous, or appearing to be gratuitous, you know, items
17 or whatever, whether it's snorkeling trips or whatever --
18 CHAIR LEACH: It's part of the culture.
19 MEMBER YABUTA: Right. So this would at least
20 kind of set the tone like everybody would need to wake up
21 here.
22 CHAIR LEACH: Good. Good point. Any other
23 discussion?
24 MR. MURAI: I'm sorry. Yeah, to approve, I guess,
25 Sara's motion that a cautionary letter issue --

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1 CHAIR LEACH: Yeah. He just --
2 MR. MURAI: -- with the contents that have been
3 discussed.
4 CHAIR LEACH: Sure. Any more discussion? Okay.
5 All in favor, say "aye."
6 (Response.)
7 CHAIR LEACH: Opposed?
8 (No response.)
9 CHAIR LEACH: Good job, Board.
10 Next agenda item, Announcements, we have none.
11 Our next scheduled meeting will be June 8th, at noon, in the
12 Planning Conference Room, June 8th.
13 MEMBER GADARIAN: Sorry, Mr. Chairman. The
14 process of the Charter amendment, is there any more proposed
15 Charter amendment that the Board put forward to the Council?
16 CHAIR LEACH: Gary is going to get an update for
17 us.
18 MEMBER GADARIAN: So there's no more pushing that
19 we can do because the election is coming up and it needs --
20 if it's going on the Charter --
21 MS. ANDRADE: Can I say something?
22 MEMBER GADARIAN: Yes.
23 MS. ANDRADE: To clarify, it's not a proposed
24 Charter amendment. It's a resolution.
25 MEMBER GADARIAN: Resolution. Sorry.

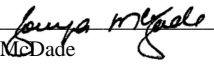
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1 MS. ANDRADE: So it won't go on the ballot. It's
2 a resolution that needs to be put on the Council agenda and
3 approved by Council.
4 MEMBER GADARIAN: Correct, that resolution to go
5 on the Council agenda.
6 MS. ANDRADE: Yeah.
7 MEMBER GADARIAN: And --
8 MS. ANDRADE: Yeah, but you have them confused. A
9 Charter amendment is a completely different entity.
10 CHAIR LEACH: It's a resolution.
11 VICE-CHAIR FRANCO: Yeah, it's a resolution. It's
12 the process we took, the resolution.
13 MEMBER GADARIAN: Thank you.
14 CHAIR LEACH: Okay. That ends our Regular
15 Session. And we will now go into Executive Session. We'll
16 have to clear the room for our start of the Executive
17 Session, and then, as needed, we will call in people from
18 the public that we need to talk to. Thank you.
19 (Recess to Executive Session, 12:35 p.m. to 4:41
20 p.m.)
21 CHAIR LEACH: Okay. We are now back in Regular
22 Session. Is there a motion to adjourn Regular Session?
23 MEMBER YABUTA: I move.
24 MEMBER NASCIMENTO: Moved.
25 CHAIR LEACH: Second.

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1 MEMBER KAHOOHANOHANO: Second.
 2 CHAIR LEACH: Any discussion? All in favor, say
 3 "aye."
 4 (Response.)
 5 MS. ANDRADE: Wait. Wait. You didn't discuss the
 6 possible moving of the meeting date next month.
 7 CHAIR LEACH: Oh, we don't know yet.
 8 MS. ANDRADE: Okay.
 9 MEMBER GADARIAN: What?
 10 MR. MURAI: Maybe give everybody a heads up.
 11 CHAIR LEACH: A heads up, I have a scheduling
 12 conflict next month on Wednesday. But, Tuesday, I don't.
 13 So --
 14 MEMBER YABUTA: I might go to Philadelphia.
 15 CHAIR LEACH: That week?
 16 MEMBER YABUTA: Yeah. I am not -- yeah, going to
 17 watch the Phillies.
 18 MEMBER GADARIAN: But that would be all week?
 19 MEMBER YABUTA: Yes.
 20 CHAIR LEACH: So we might just move the meeting to
 21 Tuesday. Is everybody okay with that, if we have to,
 22 Tuesday instead of Wednesday? We'll give you a heads up on
 23 that. Okay. Any more news? Okay. Meeting adjourned.
 24 Thank you everyone.
 25 (Meeting adjourned, 4:42 p.m.)

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1 CERTIFICATE
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 4 I, TONYA MCDADE, Certified Court Reporter of the
 5 State of Hawaii, do hereby certify that the proceedings
 6 contained herein were taken by me in machine shorthand and
 7 thereafter was reduced to print by means of computer-aided
 8 transcription; and that the foregoing represents, to the
 9 best of my ability, a true and accurate transcript of the
 10 proceedings had in the foregoing matter.
 11 I further certify that I am not an attorney nor
 12 an employee of any of the parties hereto, nor in any way
 13 concerned with the cause.
 14 DATED this 31st day of May, 2016.
 15
 16
 17 
 18 Tonya McDade
 19 Certified Shorthand Reporter #447
 20 Registered Professional Reporter
 21 Certified Realtime Reporter
 22 Certified Broadcast Reporter
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