

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

November 14, 2016

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member (Out 10:07 a.m.)
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Riki Hokama, Member
Councilmember Mike White, Member

EXCUSED: Councilmember Don S. Guzman, 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.: Jacob W. Verkerke, Chief Technology Officer, Information Technology Services Division, Department of Management (Item PIA-42)
Karen L. Sherman, Information Systems Analyst VI, Information Technology Services Division, Department of Management (Item PIA-42)
Michael J. Molina, Executive Assistant, Office of the Mayor (Item PIA-2(34))
John D. Kim, Prosecuting Attorney, Department of the Prosecuting Attorney (Item PIA-40)
William R. Spence, Planning Director, Department of Planning (Item PIA-71)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Thomas Cook, Vice Chair, Construction Industry of Maui (Item PIA-71)
David DeLeon, REALTORS® Association of Maui (Item PIA-71)
Lawrence Carnicelli (Item PIA-2(34))
Tom Croly, Board Member, Go Maui (Item PIA-71)
Tapani Vuori, nominee, Affirmative Action Advisory Council (Item PIA-2(34))

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

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CHAIR VICTORINO: . . .*(gavel)*. . . The meeting of the Policy and Intergovernmental Affairs Committee will come to order. Today is November 14, 2016. I want to welcome everyone. I would ask everyone who has cell phones to please turn them off or put 'em on silent mode. Decorum will be conducted in this Chamber. This morning the Members that are present is myself, the Chair, Michael Victorino. Our Vice-Chair, Mr. Don Couch.

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

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

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Good morning. And also East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. Stacey Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: Good morning. And Riki Hokama from Lanai.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Good morning. And Mr. Mike White, the Chair of the Council. Good morning.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Excused at this time, Mr. Don Guzman, the Vice-Chair of the Council. From the Administration, right now we have Jacob Verkerke, Chief Technology Officer and Information Technology Services Division, Department of Management. Good morning, Mr. Verkerke.

MR. VERKERKE: Good morning, Chair.

CHAIR VICTORINO: And then Karen Sherman, who is the Informational System Analyst IV [sic], for Information Technology Service Division, Department of Management. Also at this time present is Ed Kushi, our First Deputy Corporation Counsel.

MR. KUSHI: Morning.

CHAIR VICTORINO: We also have the Committee Staff, our wonderful Committee Staff, Ms. Kim Willenbrink, our Legislative Analyst and Tammy Frias, our Committee

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Secretary. So we will start with public testimony. And first of all, we have five audit items on the agenda today. And we will limit all testimony to the items on the agenda. If you want to sign up to testify, please do so on the 8th floor lobby or at one of our District Offices. Testimony will be limited to three minutes and three minutes only. At two-and-a-half minutes, the yellow light will be flashing and at three minutes, when the red lights starts blinking, I will ask you to conclude. Please state your name and any organization you may be representing. We've established contact with our District Office. And we will rotate between these locations. Let me make sure that we have all the District Offices online at this time. Let me start with our Hana Office. Good morning, Dawn Lono, are you there?

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

CHAIR VICTORINO: Mahalo. Our Lanai Office, Denise Fernandez. Denise, are you there?

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

CHAIR VICTORINO: Thank you. And finally, our Molokai Office, Ella Alcon. Ella, are you there?

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

CHAIR VICTORINO: Okay. We will start with testimony in the Chamber and then I will call upon you if you have any testifiers that wishing to give testimony on today's agenda items. In the Chamber, how many testifiers do we have, Ms. Willenbrink?

MS. WILLENBRINK: At this time, we have four people signed up to testify, Chair.

CHAIR VICTORINO: Okay, so let's take those four. And then we'll check with our District Offices if there's anyone wishing to testify.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Will you start with our first...well, okay I've already given everything. So let's start with our first testifier please.

MS. WILLENBRINK: Yes, the first person signed up to testify is Thomas Cook, and he will be followed by David DeLeon.

CHAIR VICTORINO: Thank you.

MR. COOK: Good morning, Council Chair, Councilmembers. My name is Thomas Cook. I'm here as the Vice Chair for the Construction Industry of Maui. And I'm here to give testimony on PIA-71, Qualifications and Training Requirements for the Planning Commission Members. I support this in spirit, but not in practice and I'd like to explain why. I'm very...government review and approval for the various construction

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that needs to happen, be it affordable housing, affordable rentals, industrial, various aspects, if we're going to eliminate some agencies while we're adding specifics of review, it might be beneficial. But the Planning Commission's review is supplemental to State Historic Preservation, the State Land Use, EIA, EIS, there's so many other reviewing policies and procedures, agencies that are involved in this. I'm hopeful that the Council this next year can review all of the review processes and we can collaborate and work together so that we can get some housing built for the island. We can really get some rentals built for the island. I am not opposed to the concept of this because I think that it would be very appropriate to have people with environmental backgrounds and cultural sensitivity and has education and training on the Commissions. And when you're reviewing people's applications, you have the opportunity to acknowledge that and it be a contributing factor in their approval. But I'm asking you and hoping that you don't create an ordinance, a law, more structure. I think what we need, and I'm talking from my heart right now, we need really just to be a little more trusting and little work together and communicate more. And laws and ordinances and procedures and structure is part of the...our challenge of work together. So I hope that you, I'm not supportive of this passing, but I'm hopeful that you will, whenever you're reviewing candidates for the position, take into consideration their, how educated and sensitive they are to Maui's environment and how unique we are in our community. Thank you.

CHAIR VICTORINO: Thank you.

MR. COOK: And I apologize, I do not have written testimony.

CHAIR VICTORINO: Okay, Mr. Cook. Thank you very much for your testimony. Any question for the testifier? Seeing none, thank you, Mr. Cook, and you have a good day.

MR. COOK: Thank you very much for your time.

CHAIR VICTORINO: Next testifier please.

MS. WILLENBRINK: The next person signed up to testify is David DeLeon, and he will be followed by Lawrence Carnicelli.

MR. DeLEON: Good morning. Aloha. I'm David DeLeon speaking on behalf of the REALTORS® Association of Maui in opposition to PIA-71. The Planning Commissions are aware of the rights of private property owners to use their property as they see fit, and the public's responsibility to protect public resources intersect. The property owners appearing before these Commissions deserve a fair hearing. The proposed action would reduce the chances of that fair unbiased hearing happening. What is the purpose of this proposal if not to bias the Commissions? There has been no justification offered in this...for this proposed action. It has been suggested that this proposal was copied from the Board of Land and Natural Resources. The BLNR, primarily deals with conservation lands and often deals with culturally sensitive issues, like the 30-meter telescope. Our Planning Commissions deal mainly with SMA

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approvals on urban lands that are already zoned, vacation rentals that are already built, and give advisory committee's...opinions to this Council. There is nothing overtly cultural about these functions. The Planning...Maui County has an open boards and commissions approval process that allows anyone to apply for employment to a board or commission. The Mayor appoints and the Council confirms those appointments. So this is a political process. So those who want to be appointed to the Planning Commission need to apply. And like every...like anyone else, convince the Mayor to appoint them. A seat on the Maui Planning Commission is the most coveted of all County appointments. Why should one group be giving...be given a lock on such appointments? What is the justification? It should be pointed out that Maui County already has a full commission dedicated to cultural resources and other body's like the cultural, I'm sorry, the Burial Councils. And other mechanisms like the SMA process that adequately supply guidance when needed. That said, Maui, RAM does agree that it's proper to have people with special knowledge of Hawaii's cultural heritage on these commissions, but it would also be good to have persons with special knowledge like historians and architects, and engineers, economists. But the proposed requirement would also apply to Lanai and Molokai Commissions. As somebody who has recruited boards and commissions, applicants for 12 years, I can tell you finding anyone to serve on Lanai and Molokai Commissions is a constant challenge. I can...please...placing further criteria in that process will only make fulfilling those positions that much more difficult. RAM opposes the proposed proposal because we already have a land use process that is strangled by roadblocks and appeal processes. This will just be another codified unnecessary roadblock. And will negatively affect --

MS. WILLENBRINK: Three minutes.

MR. DeLEON: --a property owner's right to a fair and unbiased hearing. Mahalo.

CHAIR VICTORINO: Thank you, Mr. DeLeon. And you have submitted written testimony in accordance, yeah?

MR. DeLEON: Yeah.

CHAIR VICTORINO: Thank you.

MR. DeLEON: Yeah.

CHAIR VICTORINO: Questions for the testifier? Seeing none, thank you, Mr. DeLeon.

MR. DeLEON: Thank you.

CHAIR VICTORINO: Next testifier please.

MS. WILLENBRINK: The next testifier signed up to testify is Lawrence Carnicelli. Lawrence will be followed by Tom Croly.

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MR. CARNICELLI: Good morning, Chair. Good morning, Members. My name is Lawrence Carnicelli. I am testifying as an individual. I also am someone who presides and I'm a Commissioner on the Planning Commission. I'm not speaking for the Commission, I'm not speaking for any other Commissioners or anything like that. But just so you know, I'm actually on the Planning Commission. Like Mr. Cook I understand the intent of this. I understand what it's really trying to do. And I can understand that. And so really, you know, I was fortunate enough to every single one of you, actually voted for me. I was appointed unanimously. And I feel very honored by that. So thank you, and you guys have the ability to pick and choose who it is that you approve and don't. Ironically enough, some of my friends call me hippie Larry. And I actually qualify as someone that would be the environmental person underneath this criteria. So, you know, it's like I...you know, you do actually have one on the Commission now. And so you can do that. You have the ability to put these people on there but to codify a specific person for that purpose, then changes the...I think changes the orientation of that person on the Commission. If I was appointed because I was that particular thing, then I think that it would change my orientation and objectivity as to whether or not, you know, how I approach things. By actually just having that ability or having that background, I think, you know, is different than saying I'm there because of that. And in the bill though, there's two parts, 2.28.070 and then 2.28.080. The latter, as far as education and training, we go through all that, right? We go through SMA, land use, all kinds of different trainings. I think that would be a good thing. Because appointing one person as a cultural person or one person as an environmentalist, isn't gonna actually change anything. It can still be eight to one or seven to two. But if everyone gets educated, then that could be a good thing. So that part of saying that the Commission should be educated, you know, I think, I hold that a little bit differently than saying we have to codify a specific person for a specific thing. And that's all I have. Thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Carnicelli. Any questions for the testifier? Seeing none, thank you. Next testifier please.

MS. WILLENBRINK: The final person signed up in the Chamber to testify is Tom Croly.

MR. CROLY: Aloha, Chair. Aloha, Commission Members, Tom Croly. I submitted written testimony on this that I hope you have. But today I'm testifying as a Board Member of Go Maui and reiterating the points in my written testimony. Our Planning Commissions have two separate fundamental functions. And I want to stress that these are separate. First, is as an advisory body to this Council for matters of legislation that this body and this body only can pass. In this way, they are acting as a surrogate for the public. They are acting as a way to provide the public a venue to give their opinion on certain, you know, matters that will eventually come before the Council. And when a Planning Commissioner is functioning in that role, the way they feel about an issue is fine to express. The second role that a Planning Commission has is as a quasi-judiciary capacity, in areas in where the Commission has the opportunity to grant or deny a permit or an approval. In this role, the Commission is functioning much like a jury does in a trial. While serving in this capacity the Commissioners must, must, by law, be unbiased as possible on the matter under

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consideration. The Commissioners should only be considering parts that are fact, that are presented to them as part of the application, and that the reviewing agencies have put in there as fact, and how the application conforms with law. When the Commissioners are in this role, they should only approve applications that do comply with all the rules and the requirements of State, County, and Federal law. They may impose additional conditions as authorized to try to mitigate impacts of the project, but they also must approve the project, if the project meets the criteria of law. Opinions of individual Commissioners in that role, are not relevant and they really shouldn't be put in place. They also need to avoid conflicts of interest. If a Commissioner is sitting on a board that would have position contrary to the law or what the Commission's considering, well that's...that might be a conflict. The Commissions should never be functioning as an additional reviewing agencies. They should just be looking at have we met the requirements of law and the...and use the reviewing agencies as a resource to indicate whether or not they have. Commissioners should be well rounded citizens and have a layman's understanding of the law surrounding the issues. But they specifically should not be bringing a bias with them, to say well this is my area of expertise, I don't agree with the law, so therefore, you know, I'm the expert here. As Larry just said, the Commissioners would benefit from additional training. Giving Commissioners training on all aspects of our law be it, you know, Federal law, State law, County law, Hawaiian law, all those things would be useful for them to do. Whether or not it's necessary to put that into Code, well, that's a decision for this policy Committee to make up. But it would be a mistake and it would be contrary to law, to establish criteria for Commissioners to say I need them to be the expert on this or that that comes before them. The experts are the reviewing agencies and the laws that surround the issues coming before them. Thank you.

CHAIR VICTORINO: Thank you. Any questions for the testifier? Seeing none, thank you, Mr. Croly. We'll now turn to the District Offices and anyone in the Chamber who wishes to testify that has not testified, I will give you an opportunity to go sign up while I check with our District Offices. Let's start with Hana. Dawn, do you have anyone wishing to testify?

MS. LONO: There's no one waiting to testify in the Hana Office.

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

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR VICTORINO: Mahalo. And Molokai, Ella, do you have anyone wishing to testify?

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

CHAIR VICTORINO: So I will look now to see if anyone's...seeing no one signed up, or willing to, wanting to sign up. With no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

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CHAIR VICTORINO: Thank you very much.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Okay, go ahead. Okay. Thank you. Okay let us get started with our agenda as presented.

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

CHAIR VICTORINO: We will...first item will we taking up this morning will be PIA-42, Cybersecurity. County Communication 13-226, from Councilmember Riki Hokama, relating to cybersecurity, including the County's role in cybersecurity and its current practices in dealing with cybersecurity issues. Mr. Verkerke and Ms. Sherman are here today and will provide us with a brief presentation. They will be available for answers of...answering any of your questions as we can stay in open session. I do not anticipate going into executive session, but if something does come up and really is a pressing matter, and does need to go into executive session, I will call it at that point. So at this time, I would like to start with Mr. Jacob Verkerke and Ms. Sherman, to give us a presentation on County of Maui cybersecurity update. Mr. Verkerke?

MR. VERKERKE: Thank you, Chair. Good morning Members of the Committee. We're very happy to be here to give you one of our twice yearly updates on our efforts to protect the County of Maui from any cybersecurity issues. I want to note the article that you had published in the paper the Sunday before last about cybersecurity, I really appreciate the attention that you are bringing to this issue. Karen and I discussed it and we decided that we wanted to adjust the presentation we do this time so that it can stay in open session. We'll hope to be able to have another chance to do this in February again when we have more results of the assessment that will take place shortly. There will be more detailed information then that will prompt us probably to go in cyber...in executive session. But I'm happy to be able to keep the presentation in open session today. With that said, I'll turn it over to Ms. Sherman to do the presentation. Thank you.

Note: Computer-generated presentation.

MS. SHERMAN: Aloha, Council. Thank you again for letting us get in front of you to discuss cybersecurity and where the County of Maui is in its maturity. We've been doing a lot of work over the last couple years and we appreciate your support. So with that said, I'm gonna jump into this a little bit and talk about where we are. So just a quick agenda, we're gonna talk about the threat landscape, we're gonna talk about our security posture, and initiatives that we have ongoing. And I mentioned this in one of my presentations over the last 12 months about your cyber legacy. And some additional information came out from that last one. And basically the estimated Internet devices, I think I told you, was in 1995 was about 300,000 and I think when we last spoke, they were talking about what it was a couple of years ago, which was

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about 3 billion. You can see the projections now by 2020, there's gonna be 75 billion Internet connected devices. And with that, that's very important to note that those devices aren't necessarily phones, computers, things like that. It's what's called the Internet of things. And the Internet of things are like cameras, different things like that. And I'm gonna talk a little bit about an incident that transpired sometime over the last couple of weeks that I'm sure you'll recognize, 'cause it was in the news. And then back to, you know, your cyber legacy, all the decisions that you guys make and that we're making, and that everybody's making is really your cyber legacy. And where that's gonna fall out over the last...next few years. So with that said, I'm gonna talk a little bit about a lot of stuff that's been in the news over the last six months and nation state hacking and where that, you know, where Maui County kind of fits within that. Over the last 12 months, Russia has...Russia...various Russian hacking groups, have used exploits that are considered zero-day exploits. And a zero-day exploit is something where it's not known by the manufacturer of the product, but it's something that's a vulnerability that a bad guy's found out about and he's now letting people know. So...or he's using it to...for these exploits. So the interesting thing about that is some of the stuff that happened, the DNC breach, and John Podesta, and different things like that, a lot of those are attributable to Russia. And I want to go into the next one. Let's see here. So the interesting...well a sad thing is the Podesta hack, that was basically him forgetting his password and e-mailing somebody to say, hey, you know, my...to his assistant, you know, what's my password? 'Cause I forgot what it was for my IOS device. And they e-mailed it back. So with those different exploits. If he's already compromised on his work station, that exploit allows them to grab that information and then use it. So different things like that or things that we...are happening out in the public that we're trying to mitigate against. The elections offices and all that stuff, there's a lot of things that are taking place nowadays that you are hearing in the news that are very of concern to us. And what we're trying to do to help mitigate with that. And then back to the Internet of things. So this map over here, you can see, I'm gonna do that right around there, that's what the U.S. looked like when we had that outage on October 21st. And that was caused by Internet of things. Basically there was 10 percent of everything connected to the Internet was used in that exploit. So that's kind of a scary thing. There's, you know, cameras, and like I said all different kinds of things that aren't necessarily what you would think of as Internet connected, your refrigerator, your heating, air conditioning things in your office, all those different things, can be connected to the Internet and that's how that exploit happened. They could use your Roku if you've got a Roku, your DVR. All these things have default passwords on it and those default passwords are known to the public and they can use that to exploit your device to do a denial of service. So where are we? We had our Cyber Security Awareness Day the other day. You can see Jacob made the news, when we were doing our drive crushing. It was...we were...the interesting thing about this is we actually weren't supposed to open until 10 o'clock, by 9:30 there was already a line. And we were there, I think until 2:00, till 2 o'clock. We got that many drives that we were crushing, the machine couldn't keep up with it. Our drive crusher. So we actually had to crush some of the drives the next day, because the machine was kinda starting to get a little tired. But it was good. It tells you that there's businesses out there that know they're not supposed to throw the drives away. They know that, that...there's personal

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identifiable information on that. That they shouldn't just be, you know, sending off to e-waste. That they need to destroy it and they need to destroy it properly. So we're very happy that, you know, doing that once a year, we talked about doing it twice a year. We'll see. But doing that has really been a public service and we've been very, very happy with the turn out and the public awareness of it. So that was really exciting. And then, it's November, so that's National Cybersecurity Awareness, or National Cybersecurity Review Month. We are in the process of doing our annual assessment and just a reminder about what this is, and we'll be talking to you after the first of the year, once we have all of the results. It's a assessment that allows us to determine where our maturity level is with the County. You know, as we've talked about in previous sessions, we're slowly moving up. We're happy with where we are. We're really making a lot of progress and we appreciate the support you're giving us on that. So again, some of the things we talked about, zero-day threats, the FireEye appliances that we've put in place, mitigate that for us. Which is a wonderful thing. That protects us from a lot of those exploits. We've...over the last 30 days, we've seen a lot of e-mail exploits coming in that are all being blocked by the EX, which we're very, very happy about. Some, you know, crypto and different things like that. But these are all things that aren't ever getting to the individual's inbox. It's stopping at the door so that they never have a chance to say, should I click on this, or should I not? Which is a great thing so we're very happy about that. Albert, again we've talked about that. That's through MS-ISAC, Center for Internet Security. They're continuing to add that layer of protection to our environment, with their product. And then we've recently added Privileged Access Management which we're really close to finishing up that. We're using right now kind of in a beta. But that's gonna allow us to fully manage all privileged access. So it's recorded the information, you know, if a vendor, 'cause we have a lot of vendors that are helping us out. If a vendor goes in there and does something, all that's documented and recorded as an audit trail. So we're very excited about that, getting that in place. And upcoming things, okay so one of the other vulnerabilities that we've been concerned about is the use of encrypted traffic, which is a good thing, you know, protect yourself. But we're in the process...we've got the appliance that's gonna provide that visibility into the deep scanning of an encrypted packet for us to look for threats in that. Then re-encrypt it and send it on it's way, within proper guidelines with _____ and everything else we can, you know, exclude different things like that. And then get mobile device management centralized at the County. We've got little pockets of device management going on but we're gonna centralize that. That will again allow us to, if somebody loses a mobile device, we can wipe it. If we need to put a new software update on it, we can push that out to the mobile device. And again help mitigate threats that are coming in the door that way. Encryption at rest, we've got a grant for that. We've...we're looking. We've got a vendor that we're gonna be using. We're gonna probably have pricing and everything on that after the first of the year. And hopefully during next calendar year, get the encryption at rest for specific systems in place to protect those. And then all the, we discussed this before, routing the Council stuff through all the different systems, that should be taking place Q1 of next year. And some other things that we're looking at in the next few slides, it's gonna be a lot of DHS assessments. Department Homeland Security does assessments for free for government agencies. And so there's a variety of 'em and they're kind of, they kinda tier on each other. So the first one we're gonna

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do is the review, a cyber review. Then we're gonna go up to another one which is a more technical assessment. And after that, we're gonna do a vulnerability one, where they actually do some penetration testing and some different things like that for us. We've...we're trying to get all of this queued up over the next calendar year, staggered appropriately. And then they got some more in-depth ones that are for your adjustor control systems. So that would be our water and waste water systems where they'll actually do an architecture review and then a thorough analysis of that. Again I don't want to go into all the details of it, but we're excited about that. And the network architecture, again that's part of your adjustor control system. So, you know, making sure that you've got that, you know, moat between, you know, the adjustor control system and the County network and all that stuff that we have in place. But just getting DHS in here and they're professionals that do this all the time to really look at it and make certain that we're taking all the steps that we need to protect those systems. And that's really it.

CHAIR VICTORINO: Mr. Verkerke, would you like to add anything else?

MR. VERKERKE: Yes please. I want to provide a little bit more clarification on what Karen was talking about the encrypted traffic. The notion always has been that if traffic between destinations was encrypted that it was safe. And we're learning now of course, that with the increase of encrypted traffic, it's a good standard that people apply between organizations. That we...discovering that if it is contaminated going into the encryption, that it will be contaminated coming out of the encryption. So then we haven't really solved anything. We avoid the risk of contamination in transit, but if it starts, contaminate at the source. So this capability will allow us to catch more of that. So that...and of course the bad guys are exploiting that assumption on a lot of people that if we send something contaminated that's encrypted that people kind of assume that it's safe and it turns out not to be the case. So we need to step up our vigilance on that. Thank you. Any questions? We'd be happy to try and answer.

CHAIR VICTORINO: Thank you, Ms. Sherman and Mr. Verkerke. Again, Members, I will open the floor to questions and I would ask all of you to try to keep the questions on the germane items and the areas of updates that we're discussing today. And maybe not try to get into any specifics. And if we do fall into that area, Mr. Verkerke or Mr. Kushi will let us know. So, I'll open the floor up to our questions. Wow, you guys did such a thorough job, there's no questions. So I will say thank you very much. And, Mr. Verkerke, this is my last meeting that I will be able to say that you and your Department has done a yeoman's job through the years. And I've been very proud to have worked with you, I think all of us have, and wish you continued success and thank you so much for protecting Maui County and its citizens from cyber hacking and other areas of cybersecurity.

MR. VERKERKE: Thank you, and I want to thank you for your support, it's been really a very helpful to us to be able to...

CHAIR VICTORINO: Well, just one moment please. Okay? No, no, because Mr. Hokama, now has something he wants to ask, go ahead.

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COUNCILMEMBER HOKAMA: Yeah, quickly Chairman. There's a lot of discussion about the cloud and how secured and safe it is. This morning, can you give us an update on the status of the cloud and how much does the County rely on the cloud as a platform?

MR. VERKERKE: I'll ask Ms. Sherman to provide more detail but in...at a high level I can tell you that we've been very cautious in moving into the cloud for those very reasons. So we try to do our due diligence to make sure that cloud service providers take cybersecurity as serious as we do. And there is a lot more awareness there and I think the details are something that Ms. Sherman can talk about. Thank you.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR VICTORINO: Ms. Sherman?

MS. SHERMAN: Thank you. Yeah, we...there's different assessments that you have regarding cloud that you can, kind of like there's a set of kind of roles and structural things that you want to be able to say, you know, just like we follow the NIST framework. There's different frameworks that say okay, you know, if you're doing, you know, physical in place, this is what it's gonna be. Well there's also a set of frameworks for cloud vendors or if you're gonna go into the cloud. This...these are certain protocols you should follow. So we're including that in any cloud conversations. So if we do make a selection like this, it might be something good that we would take to the cloud. We're ensuring that they are following those guidelines and answering those questions for us so we can make a good decision on that. Also we've been trying to work with FedRAMP and that's government cloud vendors that have been certified. So for Federal agencies they've got what they call FedRAMP, which is basically a certification of a cloud vendor. So if somebody's in the cloud and they've got FedRAMP and you can ensure that they're utilizing that criteria for this part of the Cloud that you're in, we're asking those questions so that we can get those answers and properly structure that. We're also making choices as to whether is...just because it's offered in the cloud, is this the right solution we should take to the cloud. For a couple of reasons, one, we're sitting in the middle of the Pacific, so if we lose our Internet connectivity, we would in theory lose connectivity to whatever's in the cloud. So we want to make certain that if we make a decision like that, is there an option to have a footprint local. In other words, it's stored locally, but it may be replicated up into the cloud, so that we've got that protection if it's something that we do need local. But as far as the selection, we've got very few things in the cloud right now. We, you know, I just came back from the MS-ISAC annual meeting and, you know, there's people talking about the cloud and, you know, and is this the right choice for us? So we're asking those questions and making those decisions and...as we move along. I don't know if that answers.

COUNCILMEMBER HOKAMA: A follow-up, please?

CHAIR VICTORINO: Go ahead.

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COUNCILMEMBER HOKAMA: Quickly, Chairman. So since you both mention encryption comments earlier, encryption takes space to store. So is that an issue for this County? Storage and capacity on memory and everything else for the encryption requirements?

MS. SHERMAN: Do you want to answer the storage question? I'm gonna let Jacob answer the storage question.

CHAIR VICTORINO: Mr. Verkerke?

MR. VERKERKE: Thank you, Chair. Yes, it's one of the biggest challenges we're dealing with. And not just from the encryption aspect but just from the growth of digital document storage and everything. And I'll have an opportunity to present more on that this afternoon at IEM. But the struggle to manage the growth of storage is something that we deal with every day. The cloud in a roundabout way plays a role in that because it offers cheaper storage if you don't need to always be able to get it instantaneously. So, and I'll explain this afternoon, that we're looking at tiering the storage and leveraging the offers in the cloud. But it's a big challenge and it's something that our section head for technical operations is dealing with constantly.

COUNCILMEMBER HOKAMA: Okay. Thank you. Mr. Chairman, thank you.

CHAIR VICTORINO: Alright, any other questions? Seeing none, thank you, Mr. Verkerke. Again, a pleasure to have worked with you, sir.

MR. VERKERKE: Thank you, the pleasure's been all mine. Thank you.

CHAIR VICTORINO: All right. Thank you, and thank you, Ms. Sherman.

MS. SHERMAN: Thank you.

CHAIR VICTORINO: So at this time I will call upon Mr. Mike Molina, if he would join us at the administration desk. Yeah. And with no objections, the Chair would like to defer that particular item, PIA-40...what is that, 42? Forty-two. With no objections.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: DSG).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Yeah. Thank you, very much. Again we are hoping that the next term we will continue to get updates from the Department and what they're doing. Good morning, Mr. Molina.

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

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CHAIR VICTORINO: Thank you.

ITEM PIA-2(34): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(AFFIRMATIVE ACTION ADVISORY COUNCIL) (CC 15-5)

CHAIR VICTORINO: We have one, Nomination to Boards, Committees and Commissions, and this is to the Affirmative Action Committee...Action Advisory Council, excuse me, PIA-2(34). The Committee's in receipt of correspondence dated November 3, 2016, from the Mayor, transmitting a proposed resolution, entitled Relating to the Appointment of--I hope I get this right and if I do...if I don't please correct me--Tapan [sic] Vuori to the Affirmative Action Advisory Council, for a term expiring March 31, 2018. Mr. Vuori is here today and will be here. And if he would come to the podium, I would ask him please, at this time to come to the podium and after Mr. Molina gives a brief rundown on this gentleman, we will then open the floor. We'll give you a chance to present who you are, and what you're all about, and your dedication to this Committee, and open questions to the other Members. So I'll start with Mr. Molina first, if you don't mind. And, Mr. Molina, would you like to go ahead and give us an overview of Mr. Vuori?

MR. MOLINA: Yeah. Of course, Mr. Chairman, and good morning again, Committee Members. The Administration would like to ask you for your support of the nominee, Mr. Tapani Vuori, to the Affirmative Action Advisory Council for a term expiring on March 31, 2018. Mr. Vuori is the General Manager for the Maui Ocean Center. And on Maui has served as a volunteer for the Kahoolawe Island Reserve Commission and Maui High School. Mr. Vuori, who is originally from the country of Finland, is a Maui resident and has been living in the State of Hawaii since the late 1980s and he has disclosed to us that he has a United States green card and his legal status is United States resident alien. He does meet the criteria of eligibility under HRS 78-1. And if, Mr. Chairman, with your permission, I'd like to ask Corporation Counsel, Mr. Kushi, if he would like to elaborate any further on that HRS 78-1?

CHAIR VICTORINO: No objection. Mr. Kushi, would you like to respond to that request?

MR. KUSHI: Yes, Mr. Molina...

CHAIR VICTORINO: Got to put your mic on. Thank you, sir.

MR. KUSHI: Yes, Mr. Molina is correct. This guy qualifies.

CHAIR VICTORINO: Well, thank you. And that was fast.

MR. MOLINA: Mr. Chairman, I could also add too that it does state that, for the record, that all of the State's appointed officers for the counties as well, must be citizens, nationals, or permanent resident aliens of the United States and a resident of the State, for the record. Alright, thank you.

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CHAIR VICTORINO: Thank you. Okay, Mr. Vuori, right, V U, right?

MR. VUORI: That is correct sir, Vuori.

CHAIR VICTORINO: Say that again?

MR. VUORI: Vuori.

CHAIR VICTORINO: Rouri [*sic*]?

MR. VUORI: Actually V U O R I, Vuori, Tapani Vuori.

CHAIR VICTORINO: Okay. I'm sorry I jammed that name up. I apologize, sir.

MR. VUORI: That's quite all right, sir.

CHAIR VICTORINO: I don't deal with too many Fins, you know. But I hope to do in the future. Go ahead, give us a little bit about yourself. And then I will allow the Members to open up questions to you. Go ahead, Mr. Vuori.

MR. VUORI: Thank you, sir. Good morning, Chair and Councilmembers. As you heard, my name is Tapani Vuori. I'm originally from Finland. And I'm honored for the nomination for the...to be considered for the Affirmative Action Advisory Council. Not quite sure if I'm really the best qualified since I don't have any formal civil rights or affirmative action training. However, what I would bring to the table is my belief in equality and sense of fairness for all. Injustice anywhere is a threat to justice everywhere. That was Martin Luther King had quoted that or said that earlier. Obviously he has done a lot of positive things for the civil rights and affirmative action. To me a civil society is defined by its quality of life for everyone which is not only a financial concept. Being part of a community requires inclusiveness by definition. Therefore, it is incumbent on me as a community member to foster the ideals of open, inclusive, and transparent democratic society. If nominated or, I'm sorry, if elected, this is what I will do. I yield for questions.

CHAIR VICTORINO: Thank you, Mr. Vuori. And, you know, let me say you're not going to be elected, you going be selected.

MR. VUORI: Thank you, sir.

CHAIR VICTORINO: Just want to get that corrected, okay. You got to get elected, then you have to become American citizen --

MR. VUORI: Thank you, sir.

CHAIR VICTORINO: --and then we go from there. Okay. Just so that we have clarification on the table.

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MR. VUORI: Thank you.

CHAIR VICTORINO: Okay. Well, thank you very much. And I do appreciate your candidness, and again, your philosophy is shared by many. So I appreciate that, and you're absolutely right, you have to be fair across the board and then things seem to work themselves out. I guess I have just one question, then I'll open up to the testifiers [sic]. Are you able to commit to the meetings that they hold each month?

MR. VUORI: Yes, sir.

CHAIR VICTORINO: Okay. Answer's good enough for me. Questions from the Committee? Boy, you did a great job selling yourself. Oh, wait, wait, see I knew--

COUNCILMEMBER COCHRAN: Sorry. Good morning.

CHAIR VICTORINO: --you know...no I didn't recognize you yet, I was gonna recognize Ms. Baisa and then Ms. Cochran. Go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very, very much for applying to help with this Committee.

MR. VUORI: Thank you, ma'am.

COUNCILMEMBER BAISA: You know, I think something that I like about you, even though you don't have formal training, is you bring an experience with our immigration system. And we're talking about affirmative action here. And, you know, there is so much concern right now about immigration reform. You have any comments on your experience with that? I'd just like to know, you know, how it's been for you. Obviously you've done well in order to be a permanent resident alien. So how has that experience been for you? And how do you think it can help you with this position?

MR. VUORI: Well, I've been through the process. I have seen it firsthand and I have experienced it. And I have dealt with issues related to the processes. So I understand what a large portion of the population in the United States is going through and, you know, it's, as you said, it's a very current issue. So other than that, you know, again I would refer back to the procedures and law, you know, that needs to be of course observed. And it remains to be seen, you know, what will the policy be for the United States. But, you know, I respect that.

COUNCILMEMBER BAISA: I think it's really wonderful because, you know, many times when we talk about affirmative action there seems to be a great lot of talk about gender equality. But in this case, you bring a different facet of it that is very, very important and very current. So again, thank you very much for volunteering.

MR. VUORI: Thank you, ma'am.

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CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yes, I am here. I wasn't introduced in the opening. But, Mr. Vuori, thank you very, very much for --

MR. VUORI: Thank you.

COUNCILMEMBER COCHRAN: --stepping up and willingness to volunteer. I was just reading through your application and I just couldn't, sorry, read the writing itself. For as an owner of something shop.com? What? I couldn't read that word and so you're the owner of a business or...

MR. VUORI: Wouldn't...actually going back to when I was in, I was in...on Oahu for about 12-13 years and I did have a company called Moomin shop. That was a...actually it goes all the way back to the '30s there was a Swedish Finish author by the name of Tove Jansson and she wrote these stories as a...they were children's stories and she wrote them to protest the development of far-right fascism Nazi Germany rise. And the whole premise about the stories were kindness, accepting different opinions and different people, and really teaching people, or young people, or children to talk through their problems. So it was a very different kind of story and, or stories. And it always remained on the background a little bit, but early '60s the stories went to Japan. This is where they animated the stories and it became extremely popular. And let's see, when I was involved with the Moomins, I learned to know about this gentleman from Finland. His name was Dennis Livson, he used to live on Maui a long time ago. And he was actually a worldwide licensor for TV rights or intellectual property on the Moomins. And he did want to open up a Moomin theme park way back here on Maui but that never went anywhere. And part of the process was that we were able to get a Moomin cartoon show on K5, Sistah Robi actually sang the Moomin theme song in Hawaiian and English. So it was very popular in Hawaii at that time. We wanted to syndicate the show on the mainland; unfortunately, PBS was not interested because the Nielsen ratings were a little bit lower than they wished to see. So the moominshop.com was part of the process and...so I started that. And because I was in charge or actually I invested monies into the retail side of it and opening stores, that was my background to, you know, a large extent. And of course e-commerce was going to be a big part of it. I mostly dealt with Japanese clients so I learned to speak Japanese, dealing with the Japanese customers mostly. And back in 2002, by that time it had become evident that this Moomin theme park or that cartoon show was not going to be syndicated nationwide. And the theme park was not going to happen. So I decided to move on and this is how I became part of Maui Ocean Center. They had a retail position open. Incidentally since you asked about the .com, I actually had a case at WIPO, which is World Intellectual Property Organization and based out of Geneva, Switzerland. And the master licensor in Finland had actually wanted to take over the domain, which I had started and legitimately operated the...so we actually went into the arbitration in the World Court and I incidentally won that case as a consequence, so I have experience in litigation if you will, but not training, formal training.

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COUNCILMEMBER COCHRAN: Well, wow. Thank you.

MR. VUORI: Sorry to...

COUNCILMEMBER COCHRAN: Very impressive and very wonderful insight into your past and who you are and, you know, what you stand for. So thank you very much again for --

MR. VUORI: Thank you, ma'am.

COUNCILMEMBER COCHRAN: --volunteering.

CHAIR VICTORINO: Okay. Any other questions from the Members? Seeing none, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: With no further discussion, Members, the Chair would like to entertain a motion to approve the nomination to Tapan [sic] Vuori, to the Affirmative Action Advisory Council for a term expiring March 31, 2018.

VICE-CHAIR COUCH: Mr. Chair, so moved.

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It was moved by Mr. Couch and I'm gonna give it to Mr. Carroll today. Okay? Seconded by Mr. Carroll. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show, eight "ayes," one excused, Mr. Guzman.

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

NOES: **None.**

EXC.: **Councilmember Guzman.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

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

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CHAIR VICTORINO: Congratulations, Mr. Vuori, and welcome.

MR. VUORI: Thank you, Chair. Thank you, Councilmembers. I appreciate it. Have a great day.

CHAIR VICTORINO: And good luck. Thank you very much.

MR. VUORI: Thank you.

CHAIR VICTORINO: Thank you, Mr. Molina. And thank you for all your help. I don't know if I'll see you anymore in this capacity. I don't think we have anymore nominations the rest of the year. Who knows, who knows, right? Thank you. I forgot who knows, right. I understand that. Thank you very, very much. Okay.

ITEM PIA-40: COUNTY OF MAUI PURCHASING CARDS (pCARDS) (CC 15-156)

CHAIR VICTORINO: Item number three and that is the pCards. And so is Mr. Kim...yeah. Mr. Kim, would you join us at the administrative desk...Administration's desk, excuse me. The Committee is in receipt of County Communication 15-1560...15-156, from myself, relating to the Counties...County of Maui's Purchasing Cards. Mr. Kushi, can you provide us with an update with the issue of the misuse of the cards...issued pCards to some of the County employees in open session. Also Mr. Kim will be able to provide us more information in open session. Again, this is another one that if we get into a point where we need or you really have desires to find out more. And I don't think you will, because he...they're here to give you an update. We will go into executive session if so called for. So at this point, who would like to go first? Mr. Kim or Mr. Kushi? You guys want to Jan Ken Po? I don't care who starts. Go ahead.

MR. KUSHI: Mr. Chair, my office, at least, as far as I know of was not prepared to answer your question. Either in open session or in executive session.

CHAIR VICTORINO: Okay.

MR. KUSHI: If you want to, I request you call a recess and I'll get my proper people down here. But as far as the ongoing investigations of course we can't disclose anything in open session.

CHAIR VICTORINO: Definitely and I think I hate to put you on the spot, but that was not my intent. My intent was really for Mr. Kim to give us an update as far as what the Prosecuting Attorney Office could divulge. So, Mr. Kushi, hang on, if I think we need it then I will ask for it okay? Mr. Kim?

MR. KIM: Good morning, Mr. Chair. J. D. Kim, Department of the Prosecuting Attorney. Regarding pCard purchases or the use of that, if you are speaking about Parks and

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Recreation, I am not allowed to say anything at this time. That matter's still under investigation...criminal investigation.

CHAIR VICTORINO: Still under investigation? Okay. So at this point, the update as far as this item is concerned, is that the matter is still under investigation, is that your response, Mr. Kim?

MR. KIM: That is correct.

CHAIR VICTORINO: Okay. And has, you know, and I guess I'm gonna ask this one question and, Mr. Kushi, you can stop me if you think I'm extending too far but, to this point, Mr. Kim, has anyone been or indicted or charged with any crime in this area, as far as you're aware of? In regards to these charges that were brought up?

MR. KIM: I would hesitate to speak in public about that.

CHAIR VICTORINO: Okay.

MR. KIM: There are certain rules of professional responsibility --

CHAIR VICTORINO: Okay.

MR. KIM: --that prohibit me from commenting on that issue.

CHAIR VICTORINO: Okay. Thank you very much. Members, it is your call. Would you like to go into executive session to get a better update as far as this matter is concerned? Or would you prefer to just let it continue on its investigative procedures? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, we are aware that a year and a half ago, you sent this communication. Maybe we can ask Mr. Kim if there's some sense of timing? Within three months or six months, they'll be able to give us a better report or status update? Because even on Lanai, Chairman, people asking me what is going on.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: For whatever reason, there seems to be a sense that I am getting, that our community is very unhappy with this type of action. And some of them take it like you stole from them. So I think we need to be able to respond to the community eventually with some sort of appropriate comment so that the community knows what the County is doing to correct this situation. I mean everybody; I still get questions on Lanai about tires that even I don't have no clue about, Chairman. So I bring that up because people want to know what has happened and what is going on with their financial resources by County employees. And I hope we don't just forget about this, Chairman.

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CHAIR VICTORINO: Thank you. And I...and that was the purpose of today's update, to see what progress has been made, if any, and I understand that the process takes time. Investigations like this are in, you know, you want to make a thorough job. You want to be able to make sure that if and when anything is brought forward that your case is a solid case and that you can, if there's any recovery or any means of whatever punishment needs to be dealt out, that it would be dealt in a fair manner. So that was my only rationale for this, because again it's been a year and a half. And I felt like, you know, I've...I haven't heard anything. And like you, Mr. Hokama, I hear it all the time. You know, and is the County and the Council trying to sweep this under the rug and trying to, you know, bury it somewhere. And I keep saying, no. They're working there very diligently to come up with some resolution and so that whatever legal action needs to be taken, will be taken in a proper method and go to the proper courts, wherever it may end up. But I agree with you, you know, it's been a while and so, Ms. Willenbrink, did you have something that you wanted to add? No. Okay. Okay. So, that was my purpose today. And, you know, unfortunately, as you've heard they are not ready to give us an update. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I'd ask Mr. Kim or Mr. Kushi, if we did go into executive session, would you be able to tell us things that you can't tell us now? Or is it still, since it's an investigation, you have professional conduct issues?

CHAIR VICTORINO: Mr. Kim?

MR. KIM: If we go into executive session, everything I say is confidential. You can be informed. I don't know how well that's gonna satisfy your constituents but at least you'll be informed.

CHAIR VICTORINO: Well, I would think that helps a little. And I agree with you, you still cannot share that with our constituency and so they may still wonder what's going on. And all you can say is it's in process and we are now. Yes, Ms. Cochran, you have something you'd like to add?

COUNCILMEMBER COCHRAN: Yes, thank you very much. I do have a question I'm thinking can be asked in open session. And it's just a general question in regards on statutes of limitation on things of this nature. Is there...does that apply, I guess, is my question?

CHAIR VICTORINO: Mr. Kim?

MR. KIM: Statute of limitations would be three years, normally. If a theft in the second degree occurred as well as the first degree, that is theft over 20,000 in the case of a theft in the first degree. If there's a fiduciary duty to, that belongs to the suspect, to the entity from which they stole, then it...that can be extended by another three years after the date of discovery of the theft.

COUNCILMEMBER COCHRAN: Okay.

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MR. KIM: But at this time, it's only three years.

COUNCILMEMBER COCHRAN: Okay. So we're at the three-year mark. So this means that if it gets prolonged any more there's a potential for this to just go away...to go away. Is that... 'cause if that's it, statute runs out, now what happens?

CHAIR VICTORINO: Mr. Kim?

COUNCILMEMBER COCHRAN: If this additional three for the fiduciary thing you mentioned doesn't kick in.

MR. KIM: I can't answer that question at this time.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair.

CHAIR VICTORINO: Okay. I'll ask one more time, Members, would you prefer going into executive session to get better clarification?

VICE-CHAIR COUCH: Yes, Mr. Chair.

CHAIR VICTORINO: Well, I'll ask across the board, because not just one yes is gonna make...Mr. Carroll? No. Ms. Baisa?

COUNCILMEMBER BAISA: I'm willing to wait.

CHAIR VICTORINO: You willing to wait. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: Yes.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR VICTORINO: Mr. Hokama? And, Mr. White?

COUNCILMEMBER WHITE: Yes.

CHAIR VICTORINO: Okay. Seeing that then the Chair will entertain a motion to convene in executive session...executive meeting for the Committee item PIA-42 in pursuance to Section 92-5(a)(4) of the Hawaii Revised Statute to consult with our legal counsel on questions and issues pertaining to the powers, duties, and privileges, immunities, and liabilities of the County, the Council, and the Committee, and Section 92-5(a)(5),

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Hawaii Revised Section...Revised Statutes, excuse me, to investigate proceedings regarding criminal misconduct.

VICE-CHAIR COUCH: Mr. Chair, I move that we go into executive session on...based on HRS 92-5(a)(4) and 92-5(a)(5) for PI...item PIA-40.

CHAIR VICTORINO: Two...42 you mean.

VICE-CHAIR COUCH: Forty on the list here.

CHAIR VICTORINO: Okay. My...you typed in 42, I'm sorry. It's supposed to be 40, okay I apologize for my motion had it 42. Okay, 40 then I'm sorry.

COUNCILMEMBER WHITE: Second.

CHAIR VICTORINO: Okay. It's been moved and seconded. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

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

NOES: None.

EXC.: Councilmembers Crivello and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR VICTORINO: Okay. We will call a brief recess to prepare the Chamber to go into executive session. This meeting is in recess. . . .(gavel). . .

RECESS: 10:07 a.m.

RECONVENE: 11:20 a.m.

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CHAIR VICTORINO: . . .*(gavel)*. . . The meeting of the Policy and Intergovernmental Affairs Committee will reconvene. So after our discussion in executive meeting, we will now, if with no objections, I would like to defer item PIA-40. Okay.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RC, DSG).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Okay, thank you very much.

ITEM PIA-71: QUALIFICATIONS AND TRAINING REQUIREMENTS FOR PLANNING COMMISSION MEMBERS (CC 16-173)

CHAIR VICTORINO: Alright, moving right along we are now into item number four, which reads Qualification Training Requirements for Planning Commissioners, PIA-71. The Committee is in receipt of County Communication 16-173, from Councilmember Elle Cochran, transmitting a proposed bill entitled A Bill for an Ordinance Amending Chapter 2.28, Maui County Code, Relating to the Planning Commission Membership and Training. The proposed bill requires that one member on the, sitting on each Planning Commission to have a background on conservation and natural resources and that one member have to demonstrate expertise in Native Hawaiian traditional and customary practices. And that all members of the Planning Commission and Hana Advisory Committee to participate in the Native Hawaiian law training course taught by Ka Huli Ao Center from...for Excellence in the Hawaii...in Native Hawaiian Law. So, this was also brought up, I think, as a Charter amendment and this was then referred to this Committee, based upon recommendation from some of the Members, like Mr. Hokama. So at this time, I will turn it to Ms. Cochran. Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, thank you very much. And yes, you're correct, we...it was originally presented as a proposal for the Charter. And then it was advised by our Corporation Counsel at that time, it could be done as an amendment to the Code instead. And so that's why it got referred here. And this is sort of the route and manner I was looking to, you know, address this...address these changes. Chair, I know time is running out and hearing a lot of concerns via other testifiers, Department, what have you, I was wanting to request actually for this item to be deferred and brought to the next term to have new...the new people have, be able to chime in. And continue to work out any glitches or any tweaking that may be a lot more palatable to sitting Members, to public, to Department itself. So that's kinda my thought pattern. Because the next item, actually has a time sensitivity date. So, that's my request at this point, Chair, for this item.

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CHAIR VICTORINO: And as I've stated to you that there's some of us in this room would like to finish this matter because we originally started it. I'm not one to pass the buck onto the next group, because I'd like to finish items like this, because that's why I felt it was important to bring it forward. It's been discussed. It's not something brand new. And the concerns were brought up even earlier in the Charter amendment issue. So, but I'll leave it up to the Committee. You know, for me I'd like to take this on and finish it up and I believe we have enough information that we could. But I leave it up to you. Would you rather defer it or would you rather work on it and finish it up today? Yes, Mr. Couch, what would you prefer?

VICE-CHAIR COUCH: Either way.

CHAIR VICTORINO: Put on your mic so that we hear you, sorry.

VICE-CHAIR COUCH: I have no preference.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER BAISA: I can support Ms. Cochran's request.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Either way, everyone is more or less either way, yeah? Okay. For me personally, I'd like to get this done. There is some strong points in here that I agree with. There's a few I don't. And it's sad that, you know, I cannot, and if I defer this then it would not be something I'd be moving on, you know. And so my feeling is I'd really like to work on it.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yes?

VICE-CHAIR COUCH: I'm open to whatever recommendation you want to make. If you want to make a recommendation to continue on and do it, we can.

CHAIR VICTORINO: Well, deferral would be...oh, I mean, right now?

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Yeah. I'd...because again, I agree in general, yeah, I like first of all, I'm gonna tell you what I agree with. The Native Hawaiian training, I agree with that. I think all members should have that training. And I have no qualms with that. The challenge I have is one member of expertise of Native Hawaiian traditional and customary practices and one member who has expertise in the area of--what is that?--natural, oh...conservation and natural resources. 'Cause in some of these

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Commissions, such as Lanai and Molokai that may become much more difficult. And even in Maui at times it may become very difficult. But I'll let Mr. Spence add to that. Mr. Spence, would you like to add? I'll give you an opportunity to speak to this...we...resolution. Mr. Spence?

MR. SPENCE: And thank you, Mr. Chairman. Good morning, Committee Members. When this first came up, I know that this was in the context of a Charter amendment. I...the one thing I felt strongly about at that time, was that this be...if the Council was going to pass something, it should be a part of our ordinances and not as a Charter amendment. Not as a Charter requirement.

COUNCILMEMBER COCHRAN: Okay...

MR. SPENCE: That's the one thing I was very strong about. I was not prepared at that time to really consider the ramifications of this. And, you know, of course, this is certainly up to the Council to decide one way or another. I'm not sure why this comes up. What problem has been identified that needs to be corrected. I know that usually, and this hasn't always a requirement, usually there's a major incidence where something was totally overlooked. That requires a correction in our law. Or there's a pattern of something that needs to be changed in our law. And I'm not sure what...why this comes up. Or is this just something, you know, we think this is a good idea that we should include. We have a Cultural Resources Commission right now, that when there are projects that have major cultural impacts, we let them, you know, review and chime in on it. They are required to have certain...the Code says appointed by the Mayor with the approval of the Council and shall be chosen from professionals and persons with demonstrated experience in the following disciplines: architecture, history, archeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of the County. So we have a Commission already that is staffed by professionals, the very members are professionals. And...so they review some of our major issues. They are the final approving body for the historic districts. And, you know, we do lean on them for their professional expertise. The...I'll tell you what though, we also have a very hard time finding members that are willing to serve on this Commission. Part of them being a professional, is that it's quite a time consuming matter to sit through two Planning Commissions, at least for Maui, two Planning Commissions a month for eight hours in a day. You know, 16 hours, their...I don't know what their billing rates are like, but it's quite a substantial monetary sacrifice that they're being asked to do. And we don't have that many people who want to step forward and serve on this. Even with these professionals, we have quorum issues. We have quorum issues on Maui. Last, this last Planning Commission meeting we were at bare quorum. If we make even it harder to choose Commission members, we're concerned that it's harder to find people that will come in and sit and we'll have more quorum issues. It was already brought up Molokai, Lanai, finding professionals. Or however the...it may be difficult to find people to fill those spaces. And then you also have to consider what do the Planning Commissions consider that require cultural expertise? I'll tell you that the vast majority of the time, for Maui they're considering bed and breakfasts, short-term rental homes, they're advising on Title 19, when we bring forth amendments, that the Members are all very

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familiar with. The times, SMA permits, sometimes we have cultural issues. If it's bare, unbroken ground, we will sometimes have issues, not always. Changes in zoning, that's a part of our requirements that they address these issues anyway. Community plan amendments, there's usually an Environmental Assessment required. The Cultural Impacts Assessment as well as the Archeological Inventory Surveys, are already a required part of every EA. Those...and those are vetted through Historic Preservation...State Historic Preservation. We're pretty much covered there. Unless we decide that it is of such significance that we need to go to Cultural Resources Commission. So I think we're really pretty much covered on these issues. And as a part of an EA as well, you have, you know, we send applications to U.S. Fish and Wildlife, and DLNR, for whatever the particular issues are with natural resources. So I'm not sure that this is really a necessary item to do. We really strive to have a balanced Commission, as far as the knowledge and experience. As far as the training goes, so that's one...that's on membership. As far as the training goes, we, every year when new Commissioners come on board, we do quite a bit of training in the law. We go through County Code, we go through zoning, we go through Special Management Area law, we go through Robert's rules, we go through Sunshine Law. I think it could be a good addition if we did, you know, Native Hawaiian law. I think that would be an excellent addition. But we do give training to our Commissioners every year. This would be in addition to that. Those are my comments, Mr. Chairman.

CHAIR VICTORINO: Thank you, Mr. Spence. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah. I beg to differ completely from what Mr. Spence just said, in regards to this, that's my whole point in bringing this. I don't believe it is balanced. I don't believe that it's all bases are covered here. It was shown in decisions with Olowalu, with Makena, places...so for you to say no, I don't see any bearing, I don't know what pattern has occurred to where this is needed. There's many people out there who beg to differ with you, and I too. So, Chair, what I'm kinda hearing at this point, first off, I would like to defer all but I'm kind of feeling there is a consensus in regards to the training portion of this recommendation. I mean I would be willing to split that part out and then work on the other qualifications of sorts that people seem to have issues with at this time. So, I mean, I'm open to that, to pass something out. But I would like to keep it alive, as it, you know, with the rest of it being deferred to move over into the next term to continue the amendments where needed. And, you know, to work through, and again, to work through with Department and Committee, and what have you, fellow Members, to make this, you know, I believe people want to see this happen. I would like to see this happen. I know you too, Chair, that's why you're, you know, reluctance to let it go into the next term. But, you know, I think that's...so that's where I'm at with this, at this time, Chair. So it's up to you, you're the Chair, you can make the call on how you would like to move forward.

CHAIR VICTORINO: Well, if you'd like to bring that forward, as far as the educational part, which I totally concur with you. I think that is something that really would help everybody be a better steward all around. I would have no objection if that was the way we go. And the other part, I'm not sure. I've got to ask Corporation...oh, I got to

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ask Staff. You know, if we were to take just that part and introduce...the resolution has it all inclusive. How would we do that? Amend out the other portion? 'Cause I would like to see that come out, because I think that's necessary. And I think Mr. Spence agrees, that training is important. Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yeah, for Mr. Spence, what was the main difference between this and the administrative rule? If this is a current...is this a current Department practice to give the training?

MR. SPENCE: Yes, it is.

COUNCILMEMBER HOKAMA: Is it part of your administrative rules? And if it's not, why wouldn't it be?

MR. SPENCE: No, it's not a part of the administrative rules. It's...we just see the importance of that kind of training. So you have brand new Commissioners deciding on very small and very large matters that it's very important that they know what they're getting into. My...one thing I might suggest is if...I heard the Chairman refer to a resolution. If this...if the Council passes a resolution, we can incorporate it anyway. But --

COUNCILMEMBER COCHRAN: It's not, it's a bill.

MR. SPENCE: --yeah, you could do it by reso that we incorporate it and we would certainly listen to the --

COUNCILMEMBER COCHRAN: We're amending our Code, 2.28.

MR. SPENCE: --Council's desires.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: So, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah. Thank you, but we're amending a code right?

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: This is no reso here. It's amending...

MR. SPENCE: But you could do it by reso. And we would--

COUNCILMEMBER COCHRAN: Yeah. But I'm looking to do it within this Code.

MR. SPENCE: --honor that.

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COUNCILMEMBER COCHRAN: So it's --

CHAIR VICTORINO: So, Ms. Cochran --

COUNCILMEMBER COCHRAN: --more codified.

CHAIR VICTORINO: --if I understand what you are trying to accomplish right now is to just delete or amend it to read, at this point, that all members of the Planning Commission and the Hana Advisory Commission to participate in the Native Hawaiian Law training course. That's what you'd like to have for today?

COUNCILMEMBER COCHRAN: Yes, that particular section for the training.

CHAIR VICTORINO: And then the other part be deferred...yeah, be deferred to the next Council.

COUNCILMEMBER COCHRAN: Yes, if that's...

CHAIR VICTORINO: Or else you can reintroduce it for the next Council too. You know, it's not like, you know --

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: --either way.

COUNCILMEMBER COCHRAN: Right. I mean, if I may, Chair?

CHAIR VICTORINO: Yes?

COUNCILMEMBER COCHRAN: I just would like to pass something, as you stated earlier also.

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: And so this portion, I feel like it's very strongly supported across the board in a sense. So I would like to push that portion, put it into this Code, and then work on the rest of it.

CHAIR VICTORINO: On the rest of it.

COUNCILMEMBER COCHRAN: Yeah. In the...at a future date.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Is my thoughts at this time.

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CHAIR VICTORINO: Ms. Willenbrink? You have some comment you want to make?

MS. WILLENBRINK: I was just gonna clarify that if you act on the second portion today, then this will go away and Councilmember Cochran would have to reintroduce something next term.

CHAIR VICTORINO: Do you understand what she just said?

COUNCILMEMBER COCHRAN: Okay. So it'll be...

CHAIR VICTORINO: If we pass this bottom section, the rest would go away and you'd have to reintroduce it next term.

COUNCILMEMBER COCHRAN: Okay. Yeah. I mean that works. Yes.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Yes, that is not a problem.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR VICTORINO: So how would we word that so I get exact wording to present as a ordinance?

MS. WILLENBRINK: Elle could move to strike 2.28.070 from the proposed bill.

CHAIR VICTORINO: Ms. Cochran, are you okay?

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: Wait. Mr. Couch?

VICE-CHAIR COUCH: Mr. Chair, the procedural way, the best procedural way to do it would be to move to pass the bill and then make an amendment to strike section 070, that's the correct procedure.

COUNCILMEMBER COCHRAN: Okay. Go ahead.

MS. WILLENBRINK: It's not done always that...

CHAIR VICTORINO: I mean, go ahead, Ms. Willenbrink, you had something you wanted to add?

MS. WILLENBRINK: There's...it's not always done that way, but that's one way.

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CHAIR VICTORINO: Okay. Then okay, I'll make my recommendation then. I'll make the recommendation with no other discussion, a bill...I'd like to recommend passing on first reading the proposed bill entitled A Bill for an Ordinance Amending Chapter 2.28, Maui County Code, Relating to the Planning Commissioners [sic] Membership and Training.

COUNCILMEMBER COCHRAN: Chair, so moved.

VICE-CHAIR COUCH: Second.

CHAIR VICTORINO: It's been moved by Ms. Cochran, seconded by Mr. Couch.

MS. WILLENBRINK: Did you want to include the filing of the communication?

CHAIR VICTORINO: We going do the amendment first before we start filing anything.

MS. WILLENBRINK: Okay.

CHAIR VICTORINO: Yeah. Okay. Alright, now I'm open for the amendment.

COUNCILMEMBER COCHRAN: Chair, I move to amend to strike Section 2.28.070.

VICE-CHAIR COUCH: Second.

CHAIR VICTORINO: It's been moved by Ms. Cochran, seconded by Mr. Couch. Any more discussion on this item? Seeing none, all those in favor of the amendment, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven "ayes," two excused, Mr. Carroll and Mr. Guzman.

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

NOES: None.

EXC.: Councilmembers Carroll and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVE amendment.

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CHAIR VICTORINO: Okay. Going back to the main motion as amended, any further discussion? All those in favor of...

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Oh, yes?

VICE-CHAIR COUCH: Move to amend...or a friendly amendment to the motion to file.

CHAIR VICTORINO: Well, yeah. Yeah. Okay, but before I do that, I just wanted to make sure. You all know we're voting on the --

COUNCILMEMBER COCHRAN: Amended...

CHAIR VICTORINO: --main motion as amended, right?

VICE-CHAIR COUCH: As amended.

COUNCILMEMBER COCHRAN: The main motion.

CHAIR VICTORINO: And the filing of the County Communication 16-173.

VICE-CHAIR COUCH: So you want to add the filing 'cause...

CHAIR VICTORINO: Yeah, I was gonna add that. Yeah.

VICE-CHAIR COUCH: Thank you.

CHAIR VICTORINO: But you jumping the gun but that's okay. Okay. Alright. I'll add also the filing of County Communication 16-173.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RC, DSG).

CHAIR VICTORINO: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. Interesting, I've had discussions about this proposal, back home with the community members. I understand what Ms. Cochran is proposing, through a bill for an act consideration...bill for an ordinance, excuse me. I'm not gonna support it this morning. I prefer that our Commission makes its own decision by rules on what they want for Lanai. It's just my...another degree of home rule for Lanai. And I think that our Commission can make their own decisions, and regarding quorum from Mr. Spence, I agree with you, it's an issue. But there's no magic with nine, we can make it a seven-member

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Commission, or a five-member Commission, whatever seems to work. Five supervisors seem to work for a \$10 million county like L.A. So thank you, Chairman.

CHAIR VICTORINO: Thank you. Any further discussion? Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, we've...in other bills, we have hesitated to put a specific organization in. And I'm just wondering if there are other organizations that provide this type of training or whether this...the name of this organization may change, or go away, or something to that sort. Does it make sense to put in something that is more --

CHAIR VICTORINO: Generic?

COUNCILMEMBER WHITE: --generic or broad?

CHAIR VICTORINO: Ms. Cochran, do you hear that proposal? I mean that concern? I know this organization and it's excellence and it's training program. So I'm okay with it, but I understand what Mr. White is saying, once you set something and sometimes they dissolve, they change, then what happens?

COUNCILMEMBER COCHRAN: Right, well, I believe...yeah. So this particular was...training was created for specifically boards and commissions.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: And I think it was the funding that people were like, what if the funding from OHA... 'cause OHA is funding it.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: And in this it explains that if that funding goes away, then it's up to if we want to continue it or not kind of deal. But this was actually created for this...what we're saying, the training, specialty training in this Hawaiian, you know, law and culture and what have you, for boards and commission. So it kind of fits with the whole intent and purpose of that --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: --organization for training.

CHAIR VICTORINO: Well I, tend to agree with Ms. Cochran. I mean, and if it does change I mean we, again, I mean we can always change --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR VICTORINO: --it at that point.

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COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: I mean, you know --

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: --there's nothing that says this is in stone. But this is the recommended group for that training.

COUNCILMEMBER COCHRAN: And...right. And the bill has an escape clause as I mentioned that if it changes then --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: --it goes away. And, you know, if it becomes something else as you say we can reinsert that name of the new training class or whatever. But at this time, this was created specifically for this usage.

CHAIR VICTORINO: Okay. Mr. White, are you okay with that answer?

COUNCILMEMBER WHITE: Yeah. That's fine.

CHAIR VICTORINO: Okay. Thank you. Yes, make it quick 'cause I'm gonna call for the questions, Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. When it says funded through the Office of Hawaiian Affairs, does that include travel? Or is the Department gonna --

COUNCILMEMBER COCHRAN: They come here.

VICE-CHAIR COUCH: --be required to pick that up?

CHAIR VICTORINO: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, they come here.

CHAIR VICTORINO: Yeah

COUNCILMEMBER COCHRAN: They bring...they come to you and do training. Yes, they have training there on Oahu, William Richardson School of Law, that's where I did the training. But they will come to you.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: That's what OHA funds.

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VICE-CHAIR COUCH: Alright. Thank you, Chair.

CHAIR VICTORINO: Okay. Any more discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBER HOKAMA: No.

CHAIR VICTORINO: Let the record show six "ayes," one "no," and two excused.

VOTE:	AYES:	Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Cochran, Crivello, and White.
	NOES:	Councilmember Hokama.
	EXC.:	Councilmembers Carroll and Guzman.
	ABSENT:	None.
	ABSTAIN:	None.

MOTION CARRIED

ACTION: Recommending FIRST READING of revised bill and FILING of communication.

CHAIR VICTORINO: Thank you very, very much.

ITEM PIA-4(2): MAUI COUNTY LEGISLATIVE PACKAGE (2017 MAUI COUNTY LEGISLATIVE PACKAGE) (CC 15-158, CC 16-248)

CHAIR VICTORINO: And let's move to the final, final issue...final item today is the inclusion in the Maui County Legislative Package, 2017, PIA-4(2). The Committee is in receipt of a proposed resolution entitled Approving in [sic] Inclusion in the 2017 Maui County Legislative Package a State Bill to Recognize November 28 As La Kuokoa, Hawaii Independence Day. The resolution attaches a bill designed...designating, excuse me, November 28 of each year as La Kuokoa.

COUNCILMEMBER COCHRAN: La Kuokoa. That's a hard one.

CHAIR VICTORINO: I'm getting it right?

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COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: Oh, I'm trying my best.

COUNCILMEMBER COCHRAN: I know, it's a hard one.

CHAIR VICTORINO: To celebrate the historical recognition of independence of the Kingdom of Hawaii. The Kingdom of Hawaii...November 28, was the official holiday called Ka La Kuokoa or independence day. This was a day in 1843 when England and France formally recognized Hawaii's independence. Ms. Cochran was the introducer of this bill and would like to open up discussions. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Yeah, that's a tongue twister, sorry about that.

CHAIR VICTORINO: No that's okay.

COUNCILMEMBER COCHRAN: But I didn't create this myself, so. So yeah I'm, you know, looking for Member support in putting this through, this package to have it recognized, you know, across the State level. And obviously there's a time sensitivity because this is actually in two weeks, I think, of...till...of today, two weeks from now, in order to get this through. And it's been, I guess a practice from a lot of people within our community who continue to honor this day on their own. But I think it's now wanting to be more visible and recognized at that higher level in our State, at this time. So I'm definitely a 100 percent beyond support it and would like my colleagues to also. And I believe the reso explains and you stated briefly what this entails. Thank you, Chair.

CHAIR VICTORINO: Thank you, I open the floor to discussion. Ms. Baisa, you have anything you'd like to add?

COUNCILMEMBER BAISA: No, but I can support it, thank you.

CHAIR VICTORINO: Mr. Couch? I mean, yeah, Mr. Couch? Nothing? Ms. Crivello?

COUNCILMEMBER CRIVELLO: I'm okay, thank you.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I just want to say, I support the proposed resolution that Ms. Cochran has presented to us. We all know there's additional information that can be placed in a resolution such as this, Chairman. But I appreciate she being...she presented us a very concise and I don't want to sound discourteous, short form, because I know there's a lot of facts that can be stated in this type of resolution that has been proven as being accurate. So, for me, I think this is a great additional recognition of what the Hawaiian people have gone through. And

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how other countries have recognized their status as a governing body of their own people. So I can support this wholeheartedly this morning. Thank you.

CHAIR VICTORINO: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I'm in full support.

CHAIR VICTORINO: Thank you. And I'll also ditto what everyone has said. I think we all recognize the injustices that were done back in the day and the Kingdom of Hawaii was a viable, independent nation, and history has proven out. And no one would contradict history and as far as what has happened, and where we are today. So, with no objections, I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay. I'd like to entertain a motion on the proposed resolution entitled Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill Recognizing November 28 as La Kuokoa, Hawaii Independence Day. I always get a hard time on that one. I'm sorry.

COUNCILMEMBER COCHRAN: Chair, so moved. Good job.

CHAIR VICTORINO: I'm so sorry.

VICE-CHAIR COUCH: Second.

CHAIR VICTORINO: Okay. And, you know, I'm really sensitive not to, you know, jam up the name, you know, so that's very important. Okay it's been moved by Ms. Cochran, seconded by Mr. Couch. Yes, Mr. Couch?

VICE-CHAIR COUCH: Is this the last one that needs to go into the County package? So is this --

CHAIR VICTORINO: This is it.

VICE-CHAIR COUCH: --do we want to file this?

CHAIR VICTORINO: Yeah. Well, do we file this?

MS. WILLENBRINK: You can file this but that only pertains to this particular bill. At the end of the term we intend to file...

CHAIR VICTORINO: File, yeah. So I wouldn't even...yeah, that's why I didn't put it down, but, you know, this is the last one to go in for this year. After this, no more, sorry. Okay. Yes, Ms. Cochran, you want to add something else real quickly?

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COUNCILMEMBER COCHRAN: Yeah. Real quickly, thank you. So thank you for having this heard today and bringing it to a vote. And I appreciate Mr. Hokama's comments in regards to the reso that a lot more could be added. It had been vetted through our Council Services Staff and it was just, you know, things that we wanted to be for sure, for sure about factually. So we got the ones that were clearly, you know, clear. And that's why it could of course have a lot more stated. But I want to thank everyone for their support. And yes, this is an exciting day for this. Thank you very much, Chair.

CHAIR VICTORINO: Well I think it's exciting day for that recognition and all of us have known this for many, many years. And I think it's about time that we make it publicly known. So thank you, Ms. Cochran, for bringing this forward. I think many of us have wanted to do something like this. But maybe we never knew the avenues to have it done. So thank you very much. So with no further discussion, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All those opposed? Let the record show seven "ayes," two excused, Mr. Carroll and Mr. Guzman.

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

NOES: None.

EXC.: Councilmembers Carroll and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

CHAIR VICTORINO: Ladies and gentlemen, this concludes our meeting and we did it before 12 o'clock, Ms. Baisa, so you didn't have to leave early. Thank you very much. It's been a very interesting day and I'll say it in that form. I want to thank all of you for your participation. We have a couple more meetings and we'll be closing shop. But with no further...we have IEM this afternoon, Ms. Cochran. You have your meeting this afternoon, right? Okay, thank you very much. All those...well, all those, this meeting is now adjourned. . . .(gavel). . .

ADJOURN: 11:52 a.m.

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

November 14, 2016

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:161114:td

Transcribed by: Tiare del Castillo

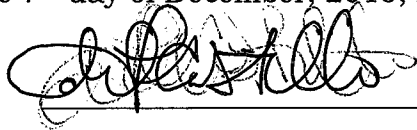
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CERTIFICATE

I, Tiare del Castillo, 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 7th day of December, 2016, in Pukalani, Hawaii

A handwritten signature in black ink, appearing to read "Tiare del Castillo", is written over a horizontal line.

Tiare del Castillo