M I N U T E S

of the

ORGANIZATIONAL MEETING

COUNCIL OF THE COUNTY OF MAUI

January 2, 2017

THE ORGANIZATIONAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON MONDAY, JANUARY 2, 2017, BEGINNING AT 2:01 P.M., WITH MAYOR ALAN M. ARAKAWA PRESIDING IN ACCORDANCE WITH SECTION 3-5.1 OF THE MAUI COUNTY CHARTER.

MAYOR ALAN M. ARAKAWA: The organizational meeting for the Council comes to order at 2 o'clock, January 2, 2017, and my first order of business is to appoint Danny Mateo as Temporary Clerk.

Mr. Clerk, roll call please.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ROBERT CARROLL, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, MICHAEL B. WHITE, AND YUKI LEI K. SUGIMURA.

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

MAYOR ARAKAWA: Thank you very much.

At this time, will everyone please rise. Join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

MAYOR ARAKAWA: Thank you. You may be seated.

Before we start the proceedings on the agenda today, may I please request that anyone who has a cell phone, put them on silent or turn them off, and any other noisemaking devices if you have it that may detract from our proceedings, turn them off or get rid of them somehow.

Just as a procedural, the restrooms are outside in the hall. Men's on the right, women's on the left.

Mr. Clerk, please proceed.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

ACTING COUNTY CLERK: Mr. Mayor, proceeding with the presentation of testimony on agenda items.

MAYOR ARAKAWA: Thank you very much.

Before we start oral testimony, I'm going to ask Corporation Counsel to please read into the record the legal opinion from the Office of Information Practice of the State of Hawaii and the Corporation Counsel, regarding the Council's ability to organize.

Mr. Corporation Counsel.

CORPORATION COUNSEL PATRICK WONG: Mayor.

On December 29, 2016, in response to a request for legal opinion regarding organization of the Maui County Council, my office responded. Essentially in the response we laid out that the prior opinion of the Office of Information Practices' opinion letter dated...excuse me, No. 2-11, and the previous Corporation Counsel advisory memorandum dated November 25, 1998 remain in full force and effect. That there has been no laws and/or administrative rules that void these two opinions.

With regard to opinion letter from OIP, No. 2-11, the issue presented in letter dated November 14, 2002...I'll read it verbatim. Whether the members of the county councils are subject to Part 1 of Chapter 92, Hawaii Revised Statues, prior to officially taking office when they meet to discuss selection of officers, whether the members are subject to the Sunshine Law. Brief answer, no. The opinion letter is 15 pages, 16 pages in length. Essentially the conclusion by the Office of Information Practices is as follows. The obligations of the Sunshine Law are not imposed upon an elected Councilmember until he or she begins a term of office as set forth in the County Charter. Less than a quorum of a board--whether or not officially in office--may meet privately and without limitation or subsequent reporting to discuss selection of board officers under Section 92-2.5, Subsection C, Hawaii Revised Statutes. Whether the board members have been sworn into office is irrelevant so long as the meeting is restricted to less than the number of members that would constitute a quorum. That's essentially the conclusion from the Office of Information Practices. That letter is public record along with the previous letters of previous Corporation Counsels that date back to 1998.

What's important is that my office took a look at the previous opinions to determine whether or not the Legislature and/or any other council and/or any other OIP officer has generated anything different in conclusion or any change in the law, and the answer is no. There's been no change in the law since 1998 to date, and there's no other opinion that's on record; therefore, the opinion of the Office of Information Practices and the prior opinions from the previous Corporation Counsels remain in full force and effect.

Mayor.

MAYOR ARAKAWA: Thank you very much.

COUNCILMEMBER GUZMAN: Mayor. Mayor.

MAYOR ARAKAWA: I understand that we have about 50 people that have signed up to testify. . . .*(inaudible)*. . . because we want to get through with this process today. What I'm going to do is I'm going to limit the testimony to two minutes. Then if anyone...

UNIDENTIFIED SPEAKER (from the audience): Mr. Mayor...

MAYOR ARAKAWA: Then if anyone wants to testify longer than that, after we're done with the testimony, they can come back and testify.

So at this point...

UNIDENTIFIED SPEAKER (from the audience): *. . .(inaudible). . .*

MAYOR ARAKAWA: Sir, are you running the meeting?

UNIDENTIFIED SPEAKER (from the audience): No, I'm an American citizen.

MAYOR ARAKAWA: Okay.

UNIDENTIFIED SPEAKER (from the audience): You can't do this to us.

MAYOR ARAKAWA: Yes, we can.

UNIDENTIFIED SPEAKER (from the audience): Thank you very much for saying that.

MAYOR ARAKAWA: You're welcome.

UNIDENTIFIED SPEAKER (from the audience): Thank you. Thank you.

MAYOR ARAKAWA: So I'm going to go with two minutes out of courtesy for everyone who wants to testify, because otherwise those that are on 40 to 50 are going to be here a very, very long time before they can be heard.

Again, anyone...

UNIDENTIFIED SPEAKER (from the audience): Four minutes.

MAYOR ARAKAWA: Anyone who wants to be able to testify longer than two minutes may come back after to testify for another two minutes. Thank you.

So, Mr. Clerk.

COUNCILMEMBER COCHRAN: You can't do that. Wait.

COUNCILMEMBER WHITE: Mr. Mayor, may I ask for a brief recess?

MAYOR ARAKAWA: Brief recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:08 P.M., AND WAS RECONVENED AT 2:10 P.M., WITH ALL MEMBERS PRESENT.)

ACTING COUNTY CLERK: The first testifier...

MAYOR ARAKAWA: Wait, wait, Danny.

Going to call the meeting back or order.

Under advisement of Corporation Counsel, we'll allow three minutes for testimony, and just three minutes.

UNIDENTIFIED SPEAKER (from the audience): Thank you.

MAYOR ARAKAWA: But again, three minutes and then you won't be able to testify afterwards if you want to, so it's just three minutes.

Go ahead, Mr. Clerk.

ACTING COUNTY CLERK: The first testifier is Mark Sheehan testifying on Resolution 17-1, to be followed by Beth Savitt.

MR. MARK SHEEHAN (testifying on Resolution No. 17-1):

Good morning, Mr. Mayor. Good afternoon. And, Councilmembers, congratulations to the new Councilmembers for being seated. We have high hopes riding on your contributions to this Council.

And I wonder if you would just for a moment would briefly spin around in your chairs and see how many people by raising their hand are here to support change to the Council and object to the way in which things have...look at all the hands please. Just turn around, take a look.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MR. SHEEHAN: Yeah. Yeah. So I'm glad to see the flowers and the leis and so on, but no amount of flowers will overcome...

MAYOR ARAKAWA: Mark, if I may excuse? Anyone who's shouting, I'm going to have them removed from the room. So we're trying to be able to allow people to speak and to hear.

MR. SHEEHAN: Right.

MAYOR ARAKAWA: So we're going to keep decorum and keep it civil. So no shouting and screaming, overriding the speakers.

MR. SHEEHAN: Yeah, but you can't really suppress the public sentiment, Mr. Mayor. And we're here to express --

MAYOR ARAKAWA: I can --

MR. SHEEHAN: --public sentiment.

MAYOR ARAKAWA: --Mark.

MR. SHEEHAN: You know it's suppressive of, in your attempt to do that, and I object to it.

Let me proceed. I filed an ethics complaint against Mr. White, not because of he had some organizing discussions, because seven weeks ago he announced the conclusion of those discussions and that he had been elected, appointed himself as the Mayor [*sic*], and had made all the other decisions. In effect --

MAYOR ARAKAWA: I'm glad he took my place.

MR. SHEEHAN: --Mr. White's illegal power grab if successful then Maui County Council will not be consulted about the single most important decisions that they make in the next two years; who is going to be Chair of this Council, who will be Vice-Chair, and what is the composition of the committees that he has appointed and arranged so that a small coterie of people will be able to control all of those committees. Give me a break. This is called rigging the system and it is exactly why the SAFE organization, the Sustainable Action Fund for the Environment has organized to run a slate of candidates who reflect a different attitude, who will be working more for the people rather than their own power interests and their own interests of the donor class who supports them. And to have a part-time person manage this Council, somebody who has another full-time job is outrageous.

So in addition to the ethics complaint and the violation of the Sunshine Law, we had a clarification very conveniently presented on the interpretation of the Sunshine Law. No, no, it's the fact that that decision was made and announced. I wanted to let you know that SAFE will also be conducting...will be proceeding with impeachment proceedings against Mr. White.

MEMBERS OF THE AUDIENCE APPLAUD

MR. SHEEHAN: And it may unfortunately taint the other people who've agreed with Mr. White's decision if they received favors and agreed to certain...to supporting him in exchange for certain appointments. We don't do this lightly because it will take 4,700 signatures, but we will do it and it will be done through the court system so it will not be subject to any rulings by Corporation Counsel.

MAYOR ARAKAWA: Mark, your time is up. Please conclude.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions...

ACTING COUNTY CLERK: Next...

MAYOR ARAKAWA: Mark.

Any questions for the testifier?

ACTING COUNTY CLERK: Next...

COUNCILMEMBER ATAY: Yes, I have a question.

MR. SHEEHAN: Yes, sir?

COUNCILMEMBER ATAY: You referred to some type of impeachment. What makes you feel that there's impeachment violations due?

MR. SHEEHAN: Well, there's been several things. The fact that this ruling was...the decisions were made in advance before the seating of the Charter [*sic*]. And the fact that there was an announcement that people have been let go from Council Services. These are decisions that need to be made by the entire Council. So I don't think these decisions that have been made by Mr. White are really his prerogative to make on his own decision.

That's it? All right.

MAYOR ARAKAWA: Thank you.

MR. SHEEHAN: Thank you.

MAYOR ARAKAWA: Any other questions?

If not, the next testifier.

ACTING COUNTY CLERK: The next testifier is Beth Savitt, testifying on Resolution 17-1, to be followed by Lila Sherman.

MS. BETH SAVITT (testifying on Resolution No. 17-1):

Aloha, Mayor and City Councilmembers. Congratulations to those returning. And it's so wonderful to see the new faces.

That was a voting block of over 17,000 people that brought you the Ohana candidates, and these four new candidates. Well, two new candidates and two who really deserve to come back. They are voting for a transparent government, an open government, something they felt they haven't been given. And this year with the lands up for determination of use, this is a very important year, especially for committees.

We're counting on ethics. We're counting on using the County Charter correctly. We're very concerned that the veteran members of the Council like Don Guzman and Elle Cochran along with newly elected members, Alika and Kelly, are only to be given five places...given places on five of the eight committees. This term there are eight committees. Last term there were nine plus one standing committee. We now have lower committee assignments for them than the rest.

Last term, 2014 to 2016, Elle and Don both served on eight to nine Council committees. And six other Councilmembers either served on eight or nine. Okay, what does this mean? For West Maui it means, West Maui, your representative doesn't have a vote during committee review of proposed development rezonings or committee [*sic*] plan amendments or proposed changes or modifications to our planning laws. She's not proposed to be on the Planning Committee. She's not proposed to be on the Land Use Committee. Elle was on both the Council's Planning and Land Use Committee last term. So her absence as a voting member of those committees is a loss for West Maui.

Guzman, you've been left off the Planning Committee and the Policy, Economic Development, and Ag Committee. This is a loss. You're an attorney, you're equipped to handle these duties, and you've done outstanding work on the new ag policies after establishing the Ag Working Group over the last several terms. And you've served on the Planning Committee and on the Policy Committee last term and chaired the Ag Committee. What is that? That makes you the perfect choice. And you're left off?

MEMBERS OF THE AUDIENCE APPLAUD

MS. SAVITT: This change appears to be connected to the fact in the last three years --

MAYOR ARAKAWA: Cut the clapping.

MS. SAVITT: --these committees all had seven members. This year they're proposed to have just five, three that are old guard and two from the new guard for each of those committees. How will voting work out do you think? Since the most important decisions are supposed be made at the Committee level, this would appear to limit active participation of regional reps in many important decisions.

SHAKA and SAFE don't want to waste their time with the impeachment hearings. SHAKA and SAFE don't want to waste their time with Ethics Committee --

MAYOR ARAKAWA: Please conclude.

MS. SAVITT: --hearings. We would like to go forward working on the, what's going to happen with our lands. Development, housing, jobs; let's not waste time and Council money and city money. Let's get over this and pass this, and vote according to the County Charter which says the vote is taken today on January 2nd.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

By the way, the vote is being taken today on January 2nd.

MS. SAVITT: Well, I happened to see in the newspaper that...I was told who the committee was going to be back in November.

MAYOR ARAKAWA: The vote is taken today officially. Until today, none of it is official.

MS. SAVITT: Okay.

Any questions?

MAYOR ARAKAWA: Questions?

Okay, next.

ACTING COUNTY CLERK: Mr. Chair, the next testifier is Lila Sherman testifying on Resolution 1, to be followed by Larry Koss.

MS. LILA SHERMAN (testifying on Resolution No. 17-1):

Aloha. Aloha, Councilmembers.

I just am speaking from my heart. There's no prepared statement but there is sadness, sadness that the people we put our trust in to care about Maui, to do things. Three Ps come to my mind; power corrupts, and it seems to me that this corruption, this power that's corrupting is corrupting our Council and also hurting Maui.

And I see a Councilmember here who I've backed, Yuki. To see that this collusion that happened and I see your name in there, I was shocked. I was shocked. I had no idea.

I believe that every one of you should care about Maui more than, before you care about Alexander and Baldwin, getting money for your contributions, whatever's behind all your reasons for pushing the right way.

You know sliding in the way you think you can slide in, what slides is snakes, and that's where I see behind all of this. And I am not a happy person.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: Any questions? Next.

ACTING COUNTY CLERK: The next testifier is Larry Koss, testifying on Resolution 1, to be followed by Mele Stortenberry [*sic*].

MR. LARRY KOSS (testifying on Resolution No. 17-1):

Aloha and thank you.

I'm deeply saddened upon reading the December 28th *Huffington* article from New York no less, titled "Will an Illegal Backroom County Government Control Maui's Future?" Here we read of a Councilmember having conspired with other Councilmembers to establish himself as Council Chair and another as Vice-Chair via

backroom coup violating...violating Charter, County Charter Section 3.5 that regulates these positions to a public election by all Councilmembers.

I understand further the he has stacked Council subcommittees in his favor prior to today's election which is supposed to be today I thought. Indeed, there is no aloha, ohana, or pono here, no integrity respecting Maui's indigenous people or community at-large and our aina, no respect either for her keiki, subject as they are to the inevitable critical decisions of this Council. Haole as I am, I have every right to say this power grab does ring of 1887 when a group of white men we know well literally stole the leadership of Hawaii to begin the forever expanding exploitation grounded to today in imbalanced commercial tourism, spec market construction, and realty expansion.

Alas, I'm tired of powerful rich men of any race grabbing endless wealth and dominance to bully their way into even more from which ever-growing extremes of disparity and jeopardy so readily exist today. By contrast, I'm inspired by Hawaiian Hospitality Association cofounder Peter Apo's vision of balanced cultural visitation, empowering visitors to gain the wisdom of this culture beyond simply playing here and buying up property.

In closing, were I a Councilmember involved in this coup, I could not bring myself to enter these Chambers, as my presence would continue the insult and further the jeopardy. I therefore call upon said Councilmembers to surrender their falsely obtained positions and in company with any other Members involved to promptly withdraw their further participation on this Council.

I would only add that raising issues of Sunshine Law are a ploy to avoid the larger reality that this entire matter smacks of gross dishonesty and lack of respect for this community.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: The next testifier is Mele Stokesberry, to be followed by Bill Greenleaf.

MS. MELE STOKESBERRY (testifying on Resolution Nos. 17-1 and 17-5):

Aloha, Mr. Mayor, Councilmembers, and Staff.

Councilmember Mike White's statement on November 11, that he would continue, quote, continue to serve as Chair of the Maui County Council and Robert Carroll would serve as Vice-Chair during the 2017-2019 term is a clear violation of the Maui County Charter Section 3.5 which states that the vote for the Council Chair must be determined during a public election by all new Councilmembers on January 2nd. Mr. White's move and the Resolutions 17.1 and 17.5 I believe are a ploy to keep certain new and reelected Councilmembers from having any power on this Council.

You are about...you Councilmembers are all about to be asked to vote on a resolution to make Mike White Chair and another resolution to make certain allies on the Council chairs of all the County's most powerful positions. I believe these resos are an illegal measure and they're based on a rigged backroom election that took place when it shouldn't have. Today is the day for that election, so our elected officials must do what is legal and what is right. All of the members of...all of the citizens of Maui County are counting on you to do what's pono. I hope you will.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold the clapping down.

And again, I'd like to point out, today is when we officially take the vote, so that's the...today is the organizing day. So this is when everything becomes official.

The next testifier.

ACTING COUNTY CLERK: The next testifier is Bill Greenleaf testifying on Resolution 17-5, to be followed by Napua Greig-Nakasone.

MR. BILL GREENLEAF (testifying on Resolution No. 17-5):

Good afternoon, Mayor --

MAYOR ARAKAWA: Good afternoon.

MR. GREENLEAF: --Councilmembers.

I've been involved with quite a few committees in my years here on Maui, and I appreciate all the work that you Councilmembers have signed on to do. And I

wanted to mahalo you all for the amount of...for the load that you're taking on for these next two years. Thank you very much.

In my...as I looked at Reso 17-5, I'd like to ask you to defer it or...and to a time when...I'd like you to defer it to a time when the citizens can have more time to reflect on what's being asked here or what's being put forward. In my time working with committees, I found that the breadth that each person has in information and manao is very important to the balance of the committees. To limit the size to five certainly limits that opportunity and I'm very much against it.

Furthermore, it was mentioned that it's going to be very difficult to get the committees balanced just right so that each person that is meant to represent an area on Maui is going to be fully representing that area. So for that, for those two reasons I ask that this reso be deferred.

Thank you very much.

MAYOR ARAKAWA: Thank you.

Any questions?

COUNCILMEMBER ATAY: Question.

MAYOR ARAKAWA: Hold on.

Councilmember Atay.

COUNCILMEMBER ATAY: So would you recommend the size of committees being seven or nine?

MR. GREENLEAF: Well, I think that that's what they were in the past. There were a couple committees that had nine and then the others were seven. Yeah, I'd recommend that. That worked well. Unless you feel like that's not adequate coverage then I think they should go more, not less.

MAYOR ARAKAWA: Okay. Any further questions?

If not, thank you.

MR. GREENLEAF: Thank you.

ACTING COUNTY CLERK: The next testifier is Napua Greig-Nakasone, to be followed by Linda Puppolo.

MR. NAPUA GREIG-NAKASONE (testifying on Resolution No. 17-5):

Aloha, Mayor, and aloha, distinguished members of our Maui County Council.

I come before you today to urge you to vote against Resolution 17-5 which establishes the standing committees of the Council and appoints its members.

Being raised in a political family, I clearly understand how politics goes and how leadership is organized. In politics, competition in life, there are always winners and losers, majorities and minorities. The important thing to remember as I have observed is that the winners aren't always the winners and the majority isn't always the majority. So it is indeed a good practice to be fair in governance and leadership.

Although I was raised around Maui County politics, I saw a very different view recently as a candidate. There are quite a few things I learned on the campaign trail and a few moments will stay with me forever. I once heard with my own ears while sitting outside the door of the Hotel Lodging Association candidate interview room, a sitting Councilmember tell this group to beware and be cautious of the candidates endorsed by the Ohana Coalition of which I was honored to be. I heard three lies told about me that day: one, that I'm a professional activist; two, that I was receiving big money from the East Coast to run for office; and three, probably the most hurtful was that I threatened to ruin the very fabric of this society. I ask you to look at me today and honestly ask yourself if you believe me to be a threat to this community.

The biggest threat to our community are the lies we continue to tell, the labels we give each other, and the bigger walls that are built to divide us when we use these devices to motivate our community, not just from one side but from all sides. Each one of you sit in these seats today because the majority of Maui County voters believed you to be the most qualified to lead this County and serve this community. When we label Councilmembers, we stop seeing each other as equals, we stop seeing their attributes and strengths, essentially making them ineffective. This does not just alienate the Members, but by doing this we also alienate the voters, the community who elected them to serve.

In past terms, the committees were balanced, all had seven members or nine, and all had a variation of those who held the majority. The Housing, Water, Land Use, and Planning had the minority as the majority in these committees. Today you are moving to have every single committee have the majority as the majority.

MAYOR ARAKAWA: Excuse me. Napua --

MS. GREIG-NAKASONE: In essence, the majority --

MAYOR ARAKAWA: --please conclude.

MS. GREIG-NAKASONE: --will have the voting in every single committee.

In closing, I leave you this quote by our Queen, as this was the quote that inspired me to run for office. "You must remember--Liliu said--you must remember never to cease to act because you fear you may fail." But the same quote goes on to say "The way to lose a kingdom is to be inflexible, intolerant, and prejudicial. Another way to is to be too flexible, tolerant of too many wrongs, and without judgment at all."

MAYOR ARAKAWA: Thank you.

MS. GREIG-NAKASONE: Just two more, couple more seconds. "It is a razor's edge. It is the width of a blade of pili grass."

I humbly ask all of you Councilmembers to tirelessly work for balance. The first step will be to vote against Reso 17-5 today and work together on fair, effective Council committees. I thank each and every one of you for your service. And I pray for pono and aloha to prevail in your decisions today and throughout your terms.

Mahalo nui.

MAYOR ARAKAWA: Okay, thank you.

Any questions for Napua?

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold the clapping down so we can continue.

ACTING COUNTY CLERK: Next...

MAYOR ARAKAWA: Hold the clapping down.

ACTING COUNTY CLERK: Okay. Next...

MAYOR ARAKAWA: Keep it up and I'll just recess and then have you all come back in about three hours. It...we're trying to be courteous to those that are trying to speak, and I'm asking the Councilmembers if they want to ask questions, and your clapping is interfering with that.

Okay. No...any questions, Councilmembers? Okay.

Next.

ACTING COUNTY CLERK: The next testifier is Linda Puppolo testifying on Resolutions 1, 2, 3, 4, and 5, to be followed by Tiare Lawrence.

MR. LINDA PUPPOLO (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

Aloha, Councilmembers, and congratulations.

Imagine running for County Council for over a year, spending hours and hours campaigning, standing in the hot sun and rain day after day waving, holding signs, interacting with Maui residents. Imagine all the cooking, the fundraisers, the campaign spending reports, and then the best thing happens, you are elected to be an equal member of the County Council. Then just two days later on November 11th, there comes a press release that says Mike White will continue to serve as Chair of the Maui County Council. Four leadership roles were established in that press release just two days after the election and may not be a violation of the Sunshine Law but it certainly is a violation of the spirit of the Sunshine Law.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold the clapping down. Let her finish.

MS. PUPPOLO: How does one decide leadership on Council if there's no meeting noticed? How can...are these impromptu meetings held by Councilmembers? Are they really a violation of the spirit of the Sunshine Law? The leadership of this Council is the first important decision of a new Council. The County Charter states the decision of leadership is to happen on January 2nd at a meeting noticed. Why try to change that? We all have our theories as to why one would jump the gun on these leadership decisions, but jumping the gun is not good leadership. And we are not probably going to agree on all that transpired so I'm asking you to start over today. Start over.

I once worked for a man who believed one should ask for forgiveness and not permission, the worst, most chaotic place I ever worked in my life. The organization survived but it did not thrive. Getting away with pushing an agenda might work temporarily but there's a price to pay in the long run. Some of those prices are residents disengaging from voting because of lack of belief in the system; voting out politicians out of touch with democratic principles; constant infighting which has happened on this Council for the last two years and within the County government; and a true breach of what is pono. And we are certainly here to be what is pono.

So I'm asking you for a do-over, a do-over. I know most of you on this Council, you are people with principles, that is why you're here. Give the new Councilmembers a chance to participate in their epic first meeting that is respectful, insightful, fair, and shows true leadership and what it's about. Call back this press release. Please, please, Chair White, call back this press release. No hard feelings. And then the true work can begin.

MAYOR ARAKAWA: Try and conclude, Linda.

MS. PUPPOLO: Be tough, be fair, and be transparent, especially now since we're witnessing a national nightmare. This is Maui after all.

MAYOR ARAKAWA: Thank you. Any questions for the speaker?

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay, next.

ACTING COUNTY CLERK: The next testifier is Tiare Lawrence testifying on reso, Resolutions 17-1 through 17-5, to be followed by Lauryn Rego.

<u>MR. TIARE LAWRENCE (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5)</u>:

Aloha, Councilmembers.

My name is Tiare Lawrence and I'm here in opposition of 17.5 today.

The amount of people here is a clear...is clear that the people of Maui are disappointed with business as usual. As program coordinator for the People's Congress, we hosted an island forum here on Maui in October, and I can tell you today that better accountability and a more open and transparent government was

brought up at Maui's island forum as well as on Kauai, Oahu, Hilo, and Kona that has led up to me being here today.

I believe the facts and opposing views are out there, and it is now in the hands of the Office of Information Practices to do its investigation and due diligence to determine if Councilmember White was indeed in violation of the Sunshine Law. So I'm not going to spend time today stating what was already said. I will say this however, let this Council be made an example of that the Sunshine Law like all other laws should be taken seriously and followed. As a Legislative body, the County Council should be held to the highest standard and lead by good example.

Here in Hawaii, there is a history of insider backroom dealings in politics that people are clearly frustrated with. The time for business as usual is over. Hawaii's people want and deserve more transparency and accountability. We are in a critical time in Hawaii's history. The issues of homelessness, lack of true affordable housing, the environmental degradation of our sacred places, poor wastewater and road infrastructure, assault on our land and natural resources, and the future of agriculture on Maui are pressing issues that need and require each and every one of you to put your differences aside and do what is in the best interest of Maui but more importantly to act with good conscious for generations to come.

I would like to propose the following solutions: a hooponopono session with an experienced practitioner. This can be done within the existing Sunshine Law.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold the clapping down.

MS. LAWRENCE: We must do the right thing. Heal the rift and move forward to address the many issues and challenges that face our community here.

In the future, to host a public meeting like the Kauai County Council recently did where all councilmembers are able to participate and before the final decisions are already made. To vote today, if that vote happens today, for a chairman you believe will be a fair choice. We all know we have opposing views but I believe there is a Councilmember here today that will operate fairly.

I call on you, our local leaders, to take us in a direction of progress for Maui's children. In order to do so we expect you to act responsibility...responsibly and with aloha.

And I will say this, the 100-year storm in Iao and the rains that have happened this past week is a clear indication that Maui needs cleansing. We need to cleanse ourselves, we need to cleanse this aina. There is hoailona out there and it's been affecting us this past week. It's up to you guys, be pono, act pono, live aloha.

Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: Hold it down, guys.

Any question? Kelly.

COUNCILMEMBER KING: Yes. Tiare, can you...can I ask you a question --

MAYOR ARAKAWA: Tiare.

COUNCILMEMBER KING: --for just for clarification?

First of all, I wanted to say, Mr. Mayor, that as far as the timing goes, that my understanding is if someone's testifying on three or five different issues they get three minutes per issue. So I would like to, you know, just extend that courtesy. That's how all of our meetings have operated in the past.

MS. LAWRENCE: Mahalo.

COUNCILMEMBER KING: And then what I...the clarification that I wanted to ask of you is what your proposal is that we, you know, we still go ahead and choose a chair and then go into the hooponopono or are you asking us to put that aside for now?

MS. LAWRENCE: I think we should defer it for now and do, have a hooponopono. I think it's necessary, I think we should delay the vote. I don't think we're in a place right now to be voting today.

There's so much people here today that I hope you guys will allow every single one here to testify and perhaps even allow more public testimony. Kauai County Council recently held a public meeting where the newly elected county councilmembers as well as the incumbents, they allowed the public to come. And this was before they were even sworn in. That's a beautiful thing.

Transparency and accountability, and allowing the public to be more community engaged is how we're going to take Maui into a better future.

So yes, please defer today the vote.

COUNCILMEMBER KING: Mahalo.

MS. LAWRENCE: Mahalo.

MAYOR ARAKAWA: Any further questions?

Okay, thank you.

Next.

ACTING COUNTY CLERK: The next testifier is Lauryn Rego testifying on Resolutions 17-1, 2, and 9, to be followed by Mike Moran.

MS. LAURYN REGO (testifying on Resolution Nos. 17-1, 17-2, and 17-9):

Aloha, Council.

Lauryn Rego, testifying in opposition to Mike White's self-appointment as Council Chair.

As a former organizer with the Ohana Candidates, I'd like to first clarify something. The campaign was branded Ohana Candidates, not coalition. That distinction is very important because coalition infers that these candidates organized together as a group. By law, the Ohana Candidates' platform was conducted without the coordination or approval of any of the candidates that were endorsed. So for Councilmember White to be punishing Don Guzman for being a part of something he never asked to be or needed to be a part of is ludicrous.

I have a ton of respect and admiration for Councilmember Guzman, because he manages to pull off the political miracle of garnering the support of everyone. Think about it, who gets the support of both A&B and the environmentalists equally? As someone from the environmental sector, my respect for Guzman isn't because he always votes the way that I would hope, it's because he always appears to be listening. That's it really, a Councilmember who appears to listen to everyone, garners the support of everyone. I guess it's not actually miraculous after all, it's common sense. Don Guzman's reputation for listening to both sides equally makes him the common sense choice for Council Chair. Since that is unlikely to occur today, my second choice for Chair would be Bob Carroll.

During the election, I organized a candidates' forum for the Center for Food Safety. Councilmember Carroll was one of the only incumbents to even acknowledge the event, never mind actually show up. That to me demonstrates that he's also willing to listen to all sides. I find Bob to be someone who is reasonable and fair. The sitting Chair should be someone who displays at bare minimum these qualities. The vindictive actions of last term's Chair over the past few weeks should disqualify him from the position. I hope Councilmember Carroll votes himself today...

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold it down. Let her speak.

MS. REGO: I hope Councilmember Carroll votes for himself today if given the opportunity. I believe it's our only chance for a fair and balanced Council.

Aloha.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions? Councilmembers, any questions? No.

Thank you.

ACTING COUNTY CLERK: The next testifier is Mike Moran testifying on Resolutions 17-1 through 9, to be followed by Paul Solomon.

MR. MIKE MORAN (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, and 17-9):

Aloha, Mayor.

MAYOR ARAKAWA: Hello, Mike.

MR. MORAN: Happy New Year to everyone.

Thank you for the allowing at least a three-minute to testify, I think that's a reasonable compromise with the number of people we have, and hopefully I'm not leaving the agenda by thanking all the people who came out today to express their opinion.

Mike Moran for the Kihei Community Association.

As frequent testifiers, we appreciate the technological improvements availed on the Council's website in 2016 and the passage of the polystyrene container ban to be finalized this year. While we were disappointed with several concerns which we will not list here in the time limit, we had looked forward to the new Council to better address these and more. Unfortunately as we watched the development of the Council structure for 2017, we believe battle lines and divisiveness will dominate. We see an unbalanced formation of Council committees not only by number of named Members but by unbalanced placement of individual Members. We hate to use this phrase but it does look like it is rigged. Are members induced or even coerced to vote along a predetermined path or direction? What happened to the Hawaiian values of aloha and pono? Where is the equity, the fairness, the equality, the balance of a Legislative body for the community? What a sad and depressing commencement.

As we represent South Maui, we look at our regional Member and are pleased at the indication that South Maui will continue to chair the Planning Committee. But we immediately note that the Committee has been reduced from nine Members--seven voting Members--to a total of five. It has always been our understanding that this Committee was considered to be if not the most important, certainly one of them. And to dilute the number of Members by nearly 50 percent is highly questionable and unacceptable. It is our hope that this will be rectified by the Council today. Further, we hope that the overall proposed organizing of the entire standing committee structure is done in a way to better serve the community the Council represents. Is this not your sworn duty?

Mahalo.

MAYOR ARAKAWA: Any questions for Mike?

If not, thank you, Mike.

ACTING COUNTY CLERK: The next testifier is Paul Solomon testifying on Resolutions 9 and 5, to be followed by Barb Barry.

MR. PAUL SOLOMON (testifying on Resolution Nos. 17-5 and 17-9):

Aloha.

It's with great sadness that I come here today. I really believe in democracy. I really believe in pono and I believe in aloha, and so it pains me and it angers me when I see that it's still business as usual as it has been here for, since the overthrow of the Kingdom, backroom deals to make someone Council Chair. And whether it violates the law, the technicality of the law, it violates the spirit of the law.

When I see that Mike White placed full-time OCS staff on paid leave through the remainder of a part of a term not to be hired back when he had no power to do so, that is a violation and an abuse of power. That's why I cannot support Mike White as continued Chair of this Council even though I voted for him in the past. That's why I think someone like Bob Carroll would be better or Don Guzman.

I'm also very upset of the idea of changing the committees to five members when it was seven. Again, a power play to put those who are aligned with Mr. White into power on the very important issues of planning and water and agriculture. We know what this is about, that's why all these people are here. You're not fooling us. The days of the old boy network is over. This is a violation, an abuse of power, and a violation of the oath of office that you have taken. This is a government of the people, by the people, and for the people. Councilmembers and the Mayor are given powers in order to vie for the welfare of the people and the aina. When elected officials usurp and abuse their power, they violate...and when they violate the law, then they cannot be trusted to have that power, and we the people have the right to strip them of that power. We don't want to go that route. We don't want to go that route.

But and if you as Councilmembers and you as Mayor act in a manner that's pono then we will extend our hand to you. We will join with you in the spirit of aloha to solve all the problems we have here in this community, and they're very big for the people who live here day-in and day-out. But if you choose to continue to usurp your power, to abuse your power --

MAYOR ARAKAWA: Please conclude.

MR. SOLOMON: --to violate the spirit and the intent of the law then I as an American citizen who values freedom and out of my aloha for myself and the people, my keiki, my community, and this County, then I and others will use every moral, ethical, and legal means to stop you. The choice is yours.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

MR. SOLOMON: May God grant you the wisdom and the compassion and the aloha to do what is pono.

MAYOR ARAKAWA: Okay, thank you.

ACTING COUNTY CLERK: The next testifier is Barb Barry testifying on Resolutions 1 and 2, to be followed by Sean Lester.

MS. BARB BERRY (testifying on Resolution Nos. 17-1, 17-2, and 17-5):

Aloha, Mayor and County Council.

It's wonderful to see our brand new 2017 County Council sitting here ready to get to work. I am coming here to ask each and every one of you to take a deep look inside your hearts and to decide what direction you want to go here this next two years. Do you want to follow the path that has led you to this moment, the path that has brought all of these citizens of Maui County out to testify for transparency, for honesty, for a process that works for the people, not for the special interests that have donated to your campaigns?

So in the spirit of the unity that was in this room this morning, if any of you were here this morning and many of you were, this was a beautiful place this morning. There was so much aloha and support and just a spirit of community here that was astounding. And that is the kind of support I'd like to see this next two years be all about.

I regret to say that I do not support Mr. White to be the County Council Chair. I would support Councilmember Carroll to be that Chair. I do support Tiare Lawrence's suggestion of having a hooponopono and clear out the energy here that has caused so much dysfunction and so much strife. Everybody can work together here. The people in this room are here to support that. We want to see what is best for Maui, what is best for the people, what is the best for the keiki, what is best for the aina. We are here to help. So please, please, find a way to work your differences out. Start all over. Make sure we have our committees well staffed with the people that are best suited to be in those committees. And --

MAYOR ARAKAWA: Try and tie it up.

MS. BARRY: --you know let's move forward.

So I also just want to mention that I do not support Congresswoman [*sic*] Crivello to be the Chair of the HHT. The Committee needs a strong leadership that is going to actually tackle our homeless problem and get going on some serious solutions. So that being said, I also do not approve Resolution 17-5.

Thank you.

MAYOR ARAKAWA: Thank you.

Any questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Sean Lester...

MAYOR ARAKAWA: Before you guys start, Sean. The people that are in the hall, could you tell them to keep it down a little bit so they're not interfering with the testifier? Okay, Sean.

MR. SEAN LESTER (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-5, 17-6, 17-7, and 17-10):

Okay. Aloha kakou. First of all, thank you, all. It's been a while since I've seen a lot of you and it's nice to be back.

I know inside the hearts of the folks I'm looking at here, everyone wants to try to do the right thing whether it's Mr. White which today I'm going to testify against some of the things he's done to the newest members, Yuki Lei Sugimura, to, you know, all of you. I know you want to do the right thing. These people, a lot of these people are afraid. They see what's happening when Monsanto is looking at taking up to 16,000 acres of the 30,000 acres in the center, the heart of island. There's so much going on that what you're hearing is fear on all sides. I honestly think that one of the reasons that Mr. White went the way he did was partially out of fear. We have either the ability to move from fear or to move from a deeper sense of who we are as a community. When we look on the national level, we see what's going on. It's all divisive. In this room are the solutions for the huge problems that we have here on this island. And I know in your hearts you have that capacity to do it.

Now I want to speak to Corp. Counsel because this is pilikia. This thing that was just brought out is silly. As soon as Mr. White said in the paper that he was going to

continue to be Chair, he made it illegal. According to the paperwork right here, it says the Sunshine Law does not prohibit Councilmembers-elect from participating in organizational meetings of the County Council for a future Council term. The instant Mr. White spoke as continue, what he stated was he wasn't speaking about something in the future, he was speaking as a corporate member of a particular period of time and extending that into the future. He actually set himself up for impeachment. I'm not one of the people in that, but I can guarantee you that there's enough money and power, and people that will take this all the way to Supreme Court if necessary. It's not necessary. What's necessary today is to sit here and basically table or defer, or vote against Resolutions 7-1 [*sic*], 2, 3, 5, 7, 10, and 11.

And give David Raatz back his job. How dare you take away someone of his quality.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold the applause down.

MR. LESTER: One of the greatest people that --

MAYOR ARAKAWA: Let Sean finish.

MR. LESTER: --I've ever known here. To take him, his job away out of pure spite, Mr. Hokama, and these other things, that's not right. I started on this Council working in a subcommittee under Mr. Hokama and had nothing but respect. But for what's just happened right here, I had no respect.

Find that place in your heart, defer these things. Put together these committees in a correct way. You know what's correct here. Work together. We need all of you together here working...not against each other and not against these people. So please, I beg you, find a way.

And do not have Mr. White as the Chair, find other people. You've got great people on this Council. Mr. White, just like any of us, he stepped beyond his capacity to do the correct thing. Whatever the reason can be forgiven but what he's done has been done. That's called karma. It's finished. So please, please find another way and don't allow Mr. White to take this thing as far as he can. Perhaps in the future he can mend his ways but for right now he's done.

Thank you very much for your time.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

Next.

ACTING COUNTY CLERK: The next testifier is Lucienne de Naie testifying on Resolutions 1, 2, 5, 7, 9, 10, to be followed by Eric Poulsen.

MS. LUCIENNE de NAIE (testifying on Resolution Nos. 17-1, 17-2, 17-5, 17-7, 17-9, and 17-10):

MAYOR ARAKAWA: Lucienne.

MS. de NAIE: Good morning, Mayor. Good morning, Councilmembers. Congratulations.

MAYOR ARAKAWA: Good afternoon.

MS. de NAIE: Well, this doesn't look like any of these other meetings I've ever been to over the last 25 years but, you know, times are changing. I did sign up to testify on about six matters. I will be brief on most of them, I will not take the full three minutes but I will ask for time to address each of them. Thank you.

On Resolution 17.1 [*sic*], electing Mike White as the Chair of the Council, Mr. White has done a very good job, being a hardworking Chair of this Council. But I think what we're hearing from people and I feel this in my own heart is, you know, this process just kind of doesn't feel like a democracy. It kind of feels like you're in a dictatorship where yeah, you do take a vote, but it's kind of already decided by the time you take the vote what's going to happen. I don't know, you know, maybe the law permits this but aren't we allowed to do better? I just ask what others have asked, could we look in our heart of hearts and could it be possible that the nine people that worked hard to be elected could make a choice on the day that they first convene about who they would like to serve as their Chair and discuss it openly where the public would hear it? Would that be really embarrassing? Would that be terrible? I mean every board of director does this. I serve on nine nonprofit boards. You know we do not elect our people in advance, we discuss it on the meeting when that is done. It just seems like maybe we could move into a new era.

I'm moving on to Resolution 17-2, electing Robert Carroll as the Vice-Chair of the Council. I just want to say that Mr. Carroll as others have spoken to is a very fair and accessible person, and he would be an excellent Vice-Chair, he'd be an excellent Chair. He is a person who has long service on this Council and knows a lot about how its mechanism is.

Moving on to 17-4, adopting the Rules of the Council. Every year it seems that the Rules of the Council they want to make sure that people don't talk too long and, you know, most meetings are not like this. Let's be fair, most meetings and committee meetings especially have three people, four people, maybe nobody. I just think that our rules should permit folks to have their three to four minutes, and even should give the Chair discretion to let people speak longer if they actually have some expertise that might benefit the Council.

Moving on to 17-5, establishing standing committees of the Council. Well, you know, I have seen many votes on just this organizational matter over the years and I'm going to be honest, I've seen some where committee structures were proposed, the public testified, the Councilmembers themselves said, you know, that committee structure isn't going to work, we should change it. One that comes to mind is when the General Plan Committee was appointed. It was going to have seven members, not nine. Well, that wasn't a very good idea, because the General Plan covers all nine districts and all nine people should participate, so that was changed. I think that you really need to look, relook at your committee structure. You know people have brought out various things.

The committees are where all the work is done. Mr. Carroll is very fond of saying we need to sort this out at the committee level, because by the time we go for first and second reading at the Council, we want the work done. The committees are supposed to do the work. So if you have a committee like for instance your Land Use Committee, it only has five people on it. That means that the four people who are left off, they don't have a vote at the committee level. Now they can sit in, they can share their manao but it's not really the same as a vote. And I was very disappointed to see that Ms. Cochran representing West Maui which is the area that has the most proposed growth isn't on either the Planning or the Land Use Committee. I mean just, that doesn't seem like a good use of her abilities and knowledge of West Maui, and it seems like it leaves people out. So I would really urge you to rethink that structure. Either amend what you have or defer and redo it where everyone can talk about it and participate.

Moving on to 17-7, appointing the Director of Council Services. It's my understanding that this is being shuffled around. I've known Mr. Raatz for many, many years. He's had different positions here at the County working as an attorney. He's just always so fair and kind to everybody. I just can't imagine why, you know, without any particular reason he's moved to a different job. And I recall a discussion with Councilmember Baisa how she was so sorry that MEO had hired him away at one point and hoped he would come back to the Council. And now I guess he's just disposable for this duty. I really think the public needs to understand why and how

these decisions are made, and they shouldn't be arbitrary and capricious. And that's just the appearance, it may be that there's very good reasons for them, but that is the appearance.

And then moving on to 17.9 [*sic*], appointment of the staff of the Office of Council Services. I also understand and I don't know if this is really being publicly discussed that people are being let go, people are being told they have six months left. I mean I've worked with every single person who's been on the staff of Council Services, because I've come down here for 25 years, and they have all been professional, helpful, you know, not because I'm somebody that, you know, is special, that is just I believe how they do their jobs. They're recruited, they're trained, and they do good work. So if we're letting go a lot of experienced people, what is the rationale? I really think the Council should drill down and find out if there's any good reason for this. Perhaps it is the Chair's responsibility to structure these things, but a good chair, I'm leader of several organizations, you consult with your board, you consult with your fellow Councilmembers. And I'm not sure if that discussion has been held but it certainly should be.

So thank you for your time. I really urge you not to follow through on the way you have things written here. I just think that the public is going to feel that there's an impression of not doing things right. Maybe it's legal but it just isn't pono.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for Lucienne?

If not, thank you, Lucienne.

ACTING COUNTY CLERK: The next testifier is Eric Poulsen testifying on Resolution No. 1, to be followed by J. Piet Vanderhorst.

MR. ERIC POULSEN (testifying on Resolution No. 17-1):

Good afternoon, elected members of the Maui County Council.

My name is Eric Poulsen, I live in Lahaina, and at great personal expense and continuing dedication to my personal quest for a transparent and responsible government, I bring forth the matter which should not only haunt your conscious but

also be taken into consideration on who you shall appoint today as Chair and Vice-Chair.

For those of you who are in attendance today, I'd like to educate my fellow residents on what these three large boxes represent. For over 40 years the attorneys of the Department of Corporation Counsel have executed agreements with private developers that allow them to defer the financial expense of installing roadway infrastructure and drainage obligation. They do this by signing an agreement with County attorneys.

MAYOR ARAKAWA: Excuse me. You cannot testify on that because it's not on the agenda.

MR. POULSEN: Alright. Actually I'll tie this together, Mr. Mayor. If you give me just a moment to get through this I think you'll see how it connects. These agreements, 21 notebooks full of them were previously unaccounted for and never once...

MAYOR ARAKAWA: You cannot discuss legal issues, you can discuss...

UNIDENTIFIED SPEAKER (from the audience): Let him talk.

UNIDENTIFIED SPEAKER (from the audience): Let him talk.

MAYOR ARAKAWA: *. . .(gavel). . .*

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:04 P.M., AND WAS RECONVENED AT 3:05 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS COCHRAN, CRIVELLO, AND GUZMAN, EXCUSED.)

MAYOR ARAKAWA: We'll call the meeting back to order.

Corporation Counsel, will you explain why we cannot have this testimony?

CORPORATION COUNSEL: Chair, the item that the speaker is speaking to is not agendized. It's a violation of Sunshine Law if he continues. It's a deviation from the agenda. Unless he's going to speak to the agendized item, he should stop his testimony.

MAYOR ARAKAWA: Okay. So you're either going to stop the discussion on the legal aspects...you can talk about the agendized item --

MR. POULSEN: Okay, how about 17-5.

MAYOR ARAKAWA: --which is 17-1.

MR. POULSEN: I'll take 17-5.

MAYOR ARAKAWA: But you cannot get into the legal discussion that you're trying to get into.

MR. POULSEN: Actually I'm just trying to make a clear point to this Council, the group, and the public at-large, Mr. Mayor, and I think it's very pertinent to the matters at hand today.

MAYOR ARAKAWA: Again, you may speak to --

MR. POULSEN: So if I can't continue...

MAYOR ARAKAWA: --17-1, do not get into any of the legal discussion that is not agendized.

MR. POULSEN: How about 17-5? May I speak on that please?

(Councilmember Crivello returned to the meeting at 3:06 p.m.)

MAYOR ARAKAWA: You can speak on 17-5. I'll put it down.

MR. POULSEN: Thank you, Mr. Mayor.

May I begin?

MAYOR ARAKAWA: Just stay to what is agendized.

MR. POULSEN: These agreements, 21 notebooks full of them were previously unaccounted for and never had once been recognized by the Council.

CORPORATION COUNSEL: Again, Chair --

MAYOR ARAKAWA: Again...

CORPORATION COUNSEL: --he's speaking not on a topic, it is not an agendized item, and continuing to allow testimony in this direction is a clear violation of Sunshine Law.

MR. POULSEN: Does it make you that uncomfortable?

CORPORATION COUNSEL: It's a clear violation of Sunshine Law. No, sir.

MR. POULSEN: Does it make you that uncomfortable?

CORPORATION COUNSEL: No, sir. You failed in your...

MR. POULSEN: Then let me just say what I have to say.

CORPORATION COUNSEL: Sir, you failed in your litigation attempt.

(Councilmember Cochran returned to the meeting at 3:07 p.m.)

MAYOR ARAKAWA: This is a litigated item which is why it's not allowed. So you're not in a court of law, arguing a case in a court of law. We're not going to let you argue the case here. That's not on the agenda. So I thank you very much for what you have so far, but obviously you don't want to be able to talk to the agenda items which is perfectly allowable so I thank you very much for your testimony.

MR. POULSEN: Yeah. Yeah. Yeah, there's some public funds and yeah, they're being misdirected, and it's a shame that we're shut down.

CORPORATION COUNSEL: Again, Chair...

UNIDENTIFIED SPEAKER (from the audience): They're covering all this up and no one will listen and the Mayor is responsible.

UNIDENTIFIED SPEAKER (from the audience): Seventeen five.

UNIDENTIFIED SPEAKER (from the audience): This is Stalin. Mauigate. Watergate? Mauigate.

CORPORATION COUNSEL: Chair. Chair.

MAYOR ARAKAWA: Okay.

UNIDENTIFIED SPEAKER (from the audience): Mauigate.

CORPORATION COUNSEL: If I may, Chair? Establishing decorum in this forum is essential. Clearing the room is not unheard of in the event you're unable to control

this body. You need to control the forum, Chair. So it's not unheard of to clear the room and have the testifiers present one at a time.

MAYOR ARAKAWA: One at a time. Now I want to give everybody a chance to testify. You have about 40 or so more people to testify. You may not testify on the court action. If you choose to. I'm going to ask you to step down and we're going to have the next testifier testify.

(Councilmember Guzman returned to the meeting at 3:08 p.m.)

MR. POULSEN: Yeah, that's what I came to speak about, Mr. Mayor, and it's really that this system is broken. And it really starts to break --

MAYOR ARAKAWA: Okay.

MR. POULSEN: --it starts at Corp. Counsel. So that's what I have to say.

MAYOR ARAKAWA: Take your things and we're going to let the next testifier testify.

MR. POULSEN: Thank you, sir.

ACTING COUNTY CLERK: The next testifier is J. Piet Vanderhorst testifying on Resolution 1 through 5, to be followed by Stephen Beidner.

MR. J. PIET VANDERHORST (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

Aloha, County Council. Aloha, our elected Mayor.

MAYOR ARAKAWA: Aloha.

MR. VANDERHORST: Aloha.

We are Maui. We are the people of Maui in a democracy. This is a national issue. We have press from all over our United States. In a democracy, we should have aloha. We should have love. We should work together. We have so many pressing problems, so many that people of Maui came out to vote. We voted for some new candidates 'cause we wanted some new ideas. I voted for you, Mike, for years. I shook your hand, we raised our kids on this island together. You like myself are an old man, it's time to go. The old ideas have to go. You are such a great man.

I have a great solution for all of us. Let's take a deep breath. Maui County voted. The most votes for Elle Cochran, 31,970. You know these statistics. Number two, Don Guzman. Number three, here you are, Mike. We love you, you've done great stuff in the past. We ask you to be pono. Ua mau ke ea o ka aina i ka pono. Malama pono, do the right thing. Let go, let us the people of Maui that came out to vote, let us have our way. Let us have Council Chairman number one Elle Cochran. Assistant continuing, Mr. Don Guzman. There's a solution for you and for all of us and you would have time for your great business.

MEMBERS OF THE AUDIENCE LAUGH

MAYOR ARAKAWA: Hold it down.

MR. VANDERHORST: And you will be known as such a supporter of democracy that you're willing to stand up right now in City Council and say that was the old way, I made a mistake, let's let the new people in. Be magnanimous. Be a good leader. Malama pono.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions, Councilmembers?

If not, thank you.

MR. VANDERHORST: Mahalo nui loa.

ACTING COUNTY CLERK: The next testifier is Stephen Beidner testifying on Resolution No. 4, to be followed by Marjorie Bonar.

<u>MR. STEPHEN BEIDNER (testifying on Resolution No. 17-4)</u>:

Stephen Beidner from Kula.

Good afternoon, Mr. Mayor, Councilmembers.

MAYOR ARAKAWA: Good afternoon.

MR. BEIDNER: It was really heartening coming in here today and to see so many people show up who not only vote but care so much about what's going on here that they

came down here to testify or to be in the audience. And I couldn't agree with, more with most everything that's been said so I'm not going to repeat it all. I just have one kind of housekeeping thing that I would suggest that might increase the dialogue between constituents and Councilmembers. And that is while you're reorganizing, how about rearranging the furniture so that the Councilmembers face the constituents so we can see you and not just the backs of your head?

MEMBERS OF THE AUDIENCE APPLAUD

MR. BEIDNER: And not just have the Council Chair.

MAYOR ARAKAWA: Hold it down so we can hear the speaker.

MR. BEIDNER: That's all I have to say.

MEMBERS OF THE AUDIENCE LAUGH

MAYOR ARAKAWA: Okay.

MR. BEIDNER: Could they hear that?

MAYOR ARAKAWA: Thank you, Stephen.

Yeah, just for your information, we physically turned some of these tables around when I was on the Council. It doesn't work.

MR. BEIDNER: Other jurisdictions do it and not that we should be like them but, you know, I think it could work.

MAYOR ARAKAWA: I'll just tell you, we actually physically came down here one night and actually turned all these tables.

Thank you.

ACTING COUNTY CLERK: The next testifier is Marjorie Bonar testifying on Resolution No. 5, to be followed by Judy Levy.

MS. MARJORIE BONAR (testifying on Resolution No. 17-5):

Are you going to restart me or do I start in the middle here? Thank you. Thank you.

Aloha mai.

What a difference this is from this morning where it was all a celebration and everybody was feeling wonderful, happy, and we were all kind of one group. And here it is with everybody chewing off corners here and there. And I don't like this nearly as much. I just don't.

Well, I keep hearing conspiracy theories. I'm hearing all this about what kind of little groups there are in cabals, and I don't know what's a majority and a minority here. These just look like County Councilmembers to me, and hopefully all these County Councilmembers are simply thinking about the best job they can do for Maui. That's all that I'm about to ask, and that you pass the Styrofoam bill. But that's next week.

But what I am testifying about on issue 12-5 [*sic*], I've been on a number of committees and TIGs, either as a resource person or as a member. And it has pretty much showcased how much work there is for Councilmembers being on committees. I can see where people would like to reduce committee obligations, because that's a full-time job in addition to Council being a full-time job. But you've got people with different strengths with expertise in different areas. Why that isn't reflected in committee makeup I don't know. You're just requiring people to put in more time when spending a little time planning now to put people into appropriate committees, and I don't understand some of the committee organization at all. But why not play to their strengths? Because a little time planning it now can save everyone time on those committees later on. So it's a...it just seems that there was kind of a rush to action that could have been put off, because there was this impetus of okay, let's get to work, let's hit the ground running on day one. Well, it looks like it went back a day, and I am just...I have never seen this many people in this Chamber, and I don't think I would have signed up to testify if I had recognized that. I hate taking up more of your time. Just please reconsider that, because I think there was a rush to judgment in doing it. That's all.

MAYOR ARAKAWA: Okay, thank you.

Any questions?

COUNCILMEMBER ATAY: Yes.

MAYOR ARAKAWA: Councilmember Atay.

COUNCILMEMBER ATAY: So would you recommend seven, nine in a committee?

MS. BONAR: It's not so much the numbers, although I'd say probably seven. It depends on the committee and things that have to do with land use and development, and such, I think definitely you need to have pretty much a committee of the whole. And I think that there is --

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold it down.

MS. BONAR: --some various ideas are going around about how committee organization should be described because that's been part of it. There was overlap in some of the things that I've been involved with that made no sense, getting things assigned to committees where they didn't belong or having committee members, Councilmembers on that committee tell you one thing and here comes the vote and they do something else. And their answer was well, they had to go along to get along. I don't want to ever hear that again from any Councilmember. I want them voting their conscious, not having to make a deal with the chair next to them to get a vote through.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold it down, guys.

COUNCILMEMBER ATAY: So as you mentioned then so your recommendation would be for Land Use, Planning, and Committee of the Whole have nine members?

MS. BONAR: Yes.

COUNCILMEMBER ATAY: Okay.

MS. BONAR: Yeah, I think definitely. What you've heard here already today, everyone needs a seat at the table when it has to do with their neighborhood.

MAYOR ARAKAWA: Okay. Any further questions?

If not, thank you.

Next testifier.

ACTING COUNTY CLERK: The next testifier is Judy Levy testifying on Resolution 1, to be followed by Dick Mayer.

MS. JUDY LEVY (testifying on Resolution No. 17-1):

Greetings, wonderful County Council, Mr. Mayor.

It's very beautiful and wonderful to see you all here and I thank you. The fact that you tirelessly are ready to commit to showing up every day for us is very heartwarming and inspiring.

When I took political science in college, our professor talked about what responsibility is involved in a democracy, and I'm so happy to see more and more of us waking up and taking responsibility for our democracy. And I'm really proud to be a citizen of Maui now for nearly eight years, because I believe Maui is the microcosm of the macrocosm on the planet and the world is watching us. And the world was really proud of us for the citizens' initiatives that happened in the last few years. And I do believe that what's going on now is sending out positive messages.

I appreciate the lovely lady who spoke before us. I think she was very kind with her assessment of maybe things got jumpstarted a little quickly. But I demand that we're awake, we're watching all of you and your work, and we want to witness the democratic process here on Maui. And we want to witness our County Council being able to elect their own Chairperson. And I agree with the suggestions that Mr. Guzman or Mr. Carroll who are very balanced individuals based on what we've seen their activity be, would be more appropriate chair people. And as a citizen I just want to say we're watching, and we're not going to let you get by with anything that's not appropriate for the highest good of Maui. I'm a small kine farmer up in Haiku and I want to see this island being organic, and I want somebody who believes in sustainability of Maui to be my Council Chairperson. So blessing to all you --

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Let her speak.

MS. LEVY: --and to the world.

Mahalo.

MAYOR ARAKAWA: When you clap and interfere with their speaking you actually are depriving the speaker from having the impact that they want to have. So keep it down until they're done speaking.

MS. LEVY: I'm complete, I thank you all.

MAYOR ARAKAWA: Councilmembers, any questions?

If not, thank you.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: The next testifier is Dick Mayer testifying on Resolutions 5, 9, and 1, to be followed by Tracy Tarlow.

MR. DICK MAYER (testifying on Resolution No. 17-1, 17-5, and 17-9):

Good afternoon, Mayor, Councilmembers.

MAYOR ARAKAWA: Good afternoon, Mayer.

MEMBERS OF THE AUDIENCE LAUGH

MR. MAYER: Thank you.

MAYOR ARAKAWA: It's a common joke, we've known each other for years.

MR. MAYER: Yes. Former student.

I wanted to testify on three items and would like some time for each of them. But a general comment for all of them, number one, there's no testimony being, seemingly being gotten from Molokai, Lanai, and Hana as is usually done...

MAYOR ARAKAWA: That will come after we get done with all this testimony.

MR. MAYER: Thank you.

Number two, the item came up from the attorney at the very beginning, regarding the legal basis for all of this, and I'm just wondering whether it's...although future Councilmembers can get together, that meeting seemed to be among existing Councilmembers, and I question it. And I would hope that the Legal Department can take a look at whether existing Councilmembers, more than two, can get together to discuss any matter before the Council because there may have been tradeoffs. Even though the announcement was regarding the future Council, there may have been trades even within that Council that would give them certain benefits on a committee or on a vote on a certain matter at that time, and I think that might be improper.

The resolutions that you have before you, and I'll start speaking about them. Resolution 17-1, usually resolutions have something like a whereas, whereas, whereas, and therefore. These resolutions do not have that. So in several cases we don't know the basis for making the recommendations that are being made to you for that. And particularly that's relevant with 17-5 where there's such major changes from previous tradition on the Council. And the number of members on the committee and what was done, is there must be a rationale why some changes were made; otherwise, you'll be voting essentially without the knowledge behind them. And I think that should be incorporated in it.

That leads me to 17-5. One thing, if you look at the list, there are uneven workloads. Three of the Councilmembers have six committees, the rest have five committees to work on. That gives certain people more power, more responsibility, maybe more work, but it also gives them more power. That's not an even balance among the various members. I believe it's premature to have actually established the committee membership, because in the past, a chair was chosen and the chair was consulted as to who would be on their committee. That apparently did not happen this time.

The...this...and I'll give one example that was mentioned before. The Land Use Committee and the Planning Committee does not have the representative from West Maui, yet one of the most important things that the Planning Committee will be doing and perhaps even the Land Use will look at it as well is the development of the West Maui Community Plan. And not having the member from West Maui on the Planning Committee to even discuss that and vote on it--they can discuss it but not vote on it--I think is a major thing. And there are other imbalances which I don't have time to go into.

The...two of the committee...

MAYOR ARAKAWA: He needs more time, Danny.

MR. MAYER: I would also like to suggest with regard to the number of committees, two other committees that are not on here that I think are needed. One is the Committee of the Whole to discuss things where all nine members would be on it to discuss policy and legal and other type of matters. And the other thing is something that you don't have and that's something dealing with public safety. We have a Fire Department, a Police Department, we now have Emergency Management Department. There is no committee of the Council to handle those matters, and I would urge you to table 17-5 until you can get the proper alignment of committees that are efficient and work well rather than doing it the way you have done it now.

And then finally with regard to Resolution 17-9 with regard to the Council Staff. I have had very, very good success--and all of you know that I've been up at this Council for decades now--with several of the members of the Council Staff and I've heard that four of them have been either relieved of duty or have been moved to a less important position. And I'm particularly talking, I'd like to praise them publicly. Kim Willenbrink has been a wonderful aide to the community. Scott Jensen has also done great service to the community. And I've also had dealings with Sharon Brooks. Those are people who should not be removed from this Council, and apparently either they've already been removed, marched out of the building or have given notice. They are some of the best people you have in Council Services, and I would hope that you would keep them. And finally, David Raatz whom I also have dealt with for many, many years now has been a wonderful link between the Council and the community. I would hope that you would reconsider those four people in particular and keep them on in the Council doing the jobs they have been doing so very, very well.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions for Dick Mayer?

COUNCILMEMBER KING: Question.

MAYOR ARAKAWA: Kelly.

COUNCILMEMBER KING: Thank you, Mr. Mayor. Thank you, Mr. Mayer. I just have a question for you on the Council Services, because I know you're very familiar with these people and you are out in the community. And so have you been given any justification for these, the actions that have been taken against these...

MR. MAYER: On the contrary, the...not only have I not been given...what the story going out has been that they were...people went into their office, told them to get out, they were marched to the door. They weren't allowed to take their papers or anything else. It was almost as if they were criminals being brought to the courthouse to arrest, forced out of the building in some cases. I think that is inappropriate and the public should be more aware of why they have been terminated or why they're being terminated in the near future, because they have been very, very good for the...and a liaison for the public and I think also for Councilmembers have been giving them the support they needed.

CORPORATION COUNSEL: Chair.

MR. MAYER: So I would hope that that --

CORPORATION COUNSEL: Chair.

MR. MAYER: --decision would be reviewed.

CORPORATION COUNSEL: Chair. If I may?

MAYOR ARAKAWA: Corporation Counsel.

CORPORATION COUNSEL: Chair, as it relates to individual employees of the County, there's a private personnel matter that you are looking to explore. And the privacy issues prevail in every circumstance as it relates to personnel matters. I'm sorry.

MR. MAYER: Yeah, I respect that. And so anything I may have said personally about any of those people you can withdraw from the record. I just wish you would relook at the decisions being made with regard to the personnel in Council Services and hold back that decision to do some of the things you were planning to do until that can be brought before all of the Councilmembers. The new Councilmembers who first take their seats today should also be able to review those decisions as to whether it's in the best interest of our community.

COUNCILMEMBER KING: Thank you.

MAYOR ARAKAWA: Any further questions?

COUNCILMEMBER ATAY: Question, Mayor.

MAYOR ARAKAWA: Councilmember Atay.

COUNCILMEMBER ATAY: Mr. Mayer, I'm...point of clarification. You know the first item that you brought up in regards to the opinion from Corporation Counsel. You're referring to newly elected Councilmembers' meeting. Your question was referring to currently sitting, sworn-to-oath, standing Councilmembers on the opinion, getting opinion from the HRS side or from the OIP side?

MR. MAYER: Correct.

COUNCILMEMBER ATAY: That's what we should further...

MR. MAYER: I'm making the distinction that people who are already on the Council were apparently consulted and may have worked together which I have been told over and over again because I've been on Council committees...on County committees and many, many of them, that more than three people can't really get together to discuss matters outside of a formal meeting without an agendized meeting, et cetera. That's what the whole Sunshine Law is about. And if those people got together and agreed that Mr. White or Mr. Carroll or mister so-and-so was going to be, have this position or that position, they were existing Councilmembers at that time and they were acting in that capacity I think as Councilmembers. And I think that's not allowed. Now if these were...if the non-elected, if the ones who had just been recently elected, the three who are recent, had they gotten together, they have full rights to get together to discuss a future Council. But those were sitting Councilmembers getting together to discuss matters and putting it out on the County website that this is what was happening. This was not just letting the public know that we've gotten together a little bit, they publicly announced it and put it in the papers.

COUNCILMEMBER ATAY: So, Mayor, is there a way we could request some kind of opinion pertaining to that issue?

MAYOR ARAKAWA: Most...

COUNCILMEMBER ATAY: With the HRS...

MAYOR ARAKAWA: Most certainly that can be done.

COUNCILMEMBER ATAY: Yes, I'd like to request that.

MAYOR ARAKAWA: You can request that.

Corp. Counsel.

CORPORATION COUNSEL: Chair. Chair.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold on.

CORPORATION COUNSEL: Chair, if I may? If I may? That question has already been posed and the same opinion from the Office of Information Practices, that same fact pattern. And I'll just...and if you read the opinion letter, it describes from every single county the same process having occurred in Kauai County, Hawaii County, and Maui

County, including City and County of Honolulu. What you are unable to digest apparently is that the Legislature is fully aware of this having occurred, and the Legislature has not yet closed that gap. So until the Legislature acts or until there's some change in the OIP decision, this remains a valid and clearly not a violation of Sunshine Law based on this opinion. Less than a quorum of a board, whether or not officially in office may meet privately without limitation or subsequent reporting to discuss selection of board officers under Section 92-2.5(c), HRS. I'm sorry. That's the opinion of Office of Information Practices. It's been in effect since 2002. It remains in effect today. They've asked the Legislature to address it. Copies have been sent to the Legislative bodies and there's been no response to date. So as we sit here today, that opinion remains in effect. The actions taken although you may disagree with it, is not illegal. I'm sorry.

MR. MAYER: And that would mean that even if people who had just been elected are not consulted in any manner, that the other people can get together. Is that what you're saying?

CORPORATION COUNSEL: I'm not sure of what you're asking, sir.

MR. MAYER: I'm asking that...

MAYOR ARAKAWA: Dick, Dick...

MR. MAYER: Let me, I'll make it very simple.

MAYOR ARAKAWA: Dick...

MR. MAYER: Some people were not elect...some people who were elected were not consulted in that process. So in other words, a subgroup got together and made that decision, and the question I have is is it legal to keep away --

MAYOR ARAKAWA: Dick...

MR. MAYER: --out people who are not --

MAYOR ARAKAWA: Dick --

MR. MAYER: --in the meeting?

MAYOR ARAKAWA: --this is not a forum for you to be asking the questions. Councilmember can ask the question.

MR. MAYER: Thank you.

MAYOR ARAKAWA: And...

COUNCILMEMBER ATAY: That was my question was...

MEMBERS OF THE AUDIENCE LAUGH

MAYOR ARAKAWA: Okay, so...

COUNCILMEMBER ATAY: You're trying to say...

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: No.

COUNCILMEMBER ATAY: Right?

MAYOR ARAKAWA: And that's fine.

COUNCILMEMBER ATAY: Give him my question.

MAYOR ARAKAWA: You can ask the question to Corporation Counsel and he can respond, but we can't have people from the audience asking questions.

COUNCILMEMBER ATAY: I'm trying to understand this.

MAYOR ARAKAWA: That's the rule.

COUNCILMEMBER ATAY: Current HR...you're trying to say that the HRS rules and laws says that it's okay for a current sitting Councilmembers to meet and violate Sunshine Laws?

CORPORATION COUNSEL: Okay, Member...

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold it down.

COUNCILMEMBER ATAY: How does that supersede it?

CORPORATION COUNSEL: Clearly the Sunshine Law applies to elected Councilmembers. The obligations of the Sunshine Law are not imposed upon an elected Councilmember until he or she begins the term of office as set forth in each county charter. Our County Charter says that the Council term begins today. Prior to today, there's no elected official for this Council term.

COUNCILMEMBER ATAY: No, but the violation occurred...

CORPORATION COUNSEL: There is no violation, sir.

UNIDENTIFIED SPEAKER (from the audience): That's not true.

COUNCILMEMBER ATAY: It says a currently sitting --

MAYOR ARAKAWA: Hold it down.

COUNCILMEMBER ATAY: --Councilmember. That was my question. It wasn't newly elected, it was current sitting Councilmember on November 8, 9, 10, 11, whatever date that was, they were current, sworn-to-oath, sitting Councilmembers that all met or made decision whether serially through communications to a decision. So I'm asking for that opinion back and not referring to recently elected members but current sitting Members.

MAYOR ARAKAWA: And Corporation Counsel is answering that.

CORPORATION COUNSEL: Regardless of your belief, the conclusion from the Office of Information Practices as I'll read again, less than a quorum of a board whether or not officially in office, whether or not officially in office may meet privately and without limitation or subsequent reporting to discuss selection of board officers under Section 92-2.5, Subsection C. Whether or not officially in office. That directly answers your question.

COUNCILMEMBER KING: Mr. Mayor, I have a follow-up question, if I may?

MAYOR ARAKAWA: Councilmember King.

COUNCILMEMBER KING: Yes. You know the...I understand the wording of that, to discuss a matter of organization. But to take a vote to me puts it in a whole different category because the vote is supposed to happen today. The vote actually happened previous to today and then a press release was sent out, it was put on the website. So it appears that the vote was taken previous to today.

MAYOR ARAKAWA: Councilmember King...

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Hold it down, guys. Councilmember King, again, no official vote takes place until after we get a Chairman and you guys do the organization today. Any vote, anything prior to this is not official. Anyone can say anything they want but the official vote takes place today. All the committee assignment thing that's on the agenda takes place today or whenever we get to that point of it. Everything else is hearsay to this point and is not an official action. So...

COUNCILMEMBER KING: Well, no, I understand what you're saying, I understand your interpretation. I'm asking for a legal interpretation of the official capacity and what it means when you send a press release that gets printed in the paper that states a fact that can only be determined by a vote, you know, by a head count and a vote. And that facts also being put on an official website. So does that constitute a vote having been taken?

COUNCILMEMBER GUZMAN: Chair. I mean, excuse me, Mayor. May I address Mr. --

MAYOR ARAKAWA: No, hold on. Let's...

COUNCILMEMBER GUZMAN: --Wong?

MAYOR ARAKAWA: Pat, can you address Kelly's...

COUNCILMEMBER GUZMAN: Because there are some pending cases that are...there's pending complaints right now and if we are going to get into that type of subject matter, very --

MAYOR ARAKAWA: Yeah, I think you're right.

COUNCILMEMBER GUZMAN: --we're walking that fine line. Because --

MAYOR ARAKAWA: Okay, let's...

COUNCILMEMBER GUZMAN: --yeah, what --

COUNCILMEMBER KING: I agree. I withdraw my question.

COUNCILMEMBER GUZMAN: --Mr. Wong is saying is that he's reading an opinion --

MAYOR ARAKAWA: Right.

COUNCILMEMBER GUZMAN: --that was years ago, but now there's two pending cases that are still --

MAYOR ARAKAWA: Councilmember Guzman...

COUNCILMEMBER GUZMAN: --the facts in those cases have not been...

MAYOR ARAKAWA: Right, I hear what you're saying. What we're going to do is we're not going to discuss this issue. At some point, the Council can bring it up in executive session, you guys can have your discussion. But because...

MEMBERS OF THE AUDIENCE BOO

MAYOR ARAKAWA: Look, guys, I would like to have it done, but we're being told--Councilmember Guzman is correct--it is a pending litigation so we cannot discuss it which is why I'm correcting what I was doing. So...

COUNCILMEMBER KING: I'll withdraw my question, Mayor.

MAYOR ARAKAWA: So at that point you guys as Councilmembers have to bring it up and discuss it.

COUNCILMEMBER GUZMAN: Yeah. Mayor.

MAYOR ARAKAWA: Yes, Councilmember.

COUNCILMEMBER GUZMAN: Thank you. May I just follow-up with Mr. Wong is that...

MAYOR ARAKAWA: Okay. Just remember we're in public testimony so it's generally questions to the public --

COUNCILMEMBER GUZMAN: Right.

MAYOR ARAKAWA: --testifier.

COUNCILMEMBER GUZMAN: Okay. Well, I'm just trying to clarify that basically yes, it is true that Mr. Wong has stated an opinion that was rendered by I believe by the OIP, but that was years ago. There has been no further challenges since that opinion has been made. Currently there are two challenges that are before...at least one challenge of a Sunshine violation which needs to be ruled on. So those facts would

be then discerned by OIP. So what is...Mr. Wong is stating is yes, there is an opinion that is in the past, but yet there is also a legal complaint that has recent been filed and the facts of those have not been discerned or been fully vetted by OIP. And once that is done, maybe there will be a new opinion. But as my understanding is, is that if you meet prior to the next term at least in this case, if you meet with more than a quorum which is five or let's say seven, to me that's a violation of the Sunshine Law because accordingly you can only meet with four. So if Mr. White or someone of us met with more than four and had that discussion, and made commitments, that's a violation. Thank you.

MAYOR ARAKAWA: Okay, thank you.

Any further questions for the testifier?

Okay, if none, thank you.

MR. MAYER: Thank you. And I wish you all the best in this Council.

ACTING COUNTY CLERK: The next testifier is Tracy Tarlow testifying on Resolution No. 1, to be followed by Francine Aarona.

MS. TRACY TARLOW (testifying on Resolution No. 17-1 and 17-5):

Aloha, Mr. Mayor and County Councilmembers, and Staff, and all beings in this room.

I give so much gratitude that we, that I get to hear the sentiments of all of these people, and that my sentiments get to be heard. So thank you so much.

I came here today because I heard that Mike White thought he was going to be the Council Chair, and I thought that was silly because there had not been a vote yet. So I'm here to ensure that there is a vote and that it's done properly. And I wanted to say that I give my full blessing to Bob Carroll and, or Elle Cochran, or Don Guzman, or Alika Atay to be the County Council Chair or Vice-Chair.

And I also wanted to express my sentiments about 17-5 that I don't, I believe that it should be the entire Council working together. There doesn't need to be five or six, or three, there needs to be nine or more. Because what I stand for is unity. It's collaboration, it's harmony, it's equality, it's justice. And I'm here as a new member. I've been on Maui for five years. I'm here as a solid member of this community and I will stand up for these values. And I will come back and I will make sure that these values are upheld because they're very important to me. And I'm so grateful that I

got a chance to have my voice heard and so grateful that for the freshness of the new, of those on the Council and that I get to participate.

So thank you so much for having me. And any questions?

MAYOR ARAKAWA: Any questions, Councilmembers?

If not, thank you very much.

MS. TARLOW: Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: The next testifier is Francine Aarona testifying on Resolutions 1 through 5, to be followed by Faith Chase.

MS. FRANCINE AARONA: (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

Good afternoon, Mayor --

MAYOR ARAKAWA: Good afternoon, Francine.

MS. AARONA: --Councilmembers.

You know I was told by my parents and I do this ritual with my children and my grandchildren. When I'm talking to you, I want your undivided attention, I want you to look at me because I want you to see my reactions. So, Councilmembers, Mr. Mayor, and the Chamber, I want you to put your phones away --

MAYOR ARAKAWA: Address the --

MS. AARONA: --and look at me.

MAYOR ARAKAWA: --the Council and myself first. You cannot address the audience.

MS. AARONA: Okay.

MAYOR ARAKAWA: Okay.

MS. AARONA: But I want them to hear this.

MAYOR ARAKAWA: Yeah, they can hear you.

MS. AARONA: So all eyes up front. . . .*(laughs)*. . .

MEMBERS OF THE AUDIENCE LAUGHS

MS. AARONA: I'm talking to you on Resolutions 1 to 5. I come by ke akua, and they all have all of them, so when the light goes on, remember I have one to five.

I have three words to share with you. One word is respect. Ho`ihi, respect. You have to have respect for yourself. You have to have respect for each other in order to move forward, in order to deal with the issues that you have before you. And let me tell you, you've done a great job. I mean they work very hard and so do you, taking in all the information.

The second word is kuleana. Kuleana, ike pono, to see, to hear, to understand. To understand all the issues that you have before you. I mean it's hard. You have to have that kuleana yeah. It's your kuleana to make sure that things happen because they voted for you. The community voted for you to do a job and that's your kuleana. You know I've been known as an activist in the paper, I'm not. I'm a protector to protect the aina, to protect where I live, yeah, to protect the haumana, the children of Maui, of Hawaii.

The last word I want to share with you is malama. Okay, and this is for 17.5 [*sic*]. Malama. You have to malama yourself. The things that you do, it has to come from the heart. You have to malama the people that voted for you. In hearing everything, the one thing that I heard from Tiare is hooponopono, hooponopono. I think you have to defer everything and go back to the table and discuss what is going on. Only then will you truly understand the word aloha. Alo, the presence of the breathe, the ha, yeah. Aloha.

So mahalo, Mr. Mayor, Councilmember, community. Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay. Any questions, Councilmembers?

If not, thank you very much.

The next testifier.

ACTING COUNTY CLERK: The next testifier is Faith Chase testifying on Resolutions 1 and 5, to be followed by Tina Wildberger.

MS. FAITH CHASE (testifying on Resolution Nos. 17-1 and 17-5):

Aloha. Faith Chase.

For real?

MEMBERS OF THE AUDIENCE LAUGH

MS. CHASE: Try come again?

Great leaders can admit when mistakes have been made. And I am, I'm getting tired of being embarrassed about the way my County conducts themselves. And I was here this morning, that was cheerful. I would really like to start the new year on an upbeat. As you can see, I'm not, I wasn't really prepared to talk today but anyway I'm gonna give it my shot.

I was speaking to a councilmember that was here for the festivities this morning from Moku O Keawe, Hawaii Island, she's a councilmember. And when I was asking her about the Sunshine Law and how things happen over there and what they understand in that whole national council get together, figure it out, they kukakuka and they exchange notes about how they do things. You have to invite that person to that meeting and if that person declines then you are not in violation of the Sunshine Law, a law. So there's that piece of information that's new to me.

Is *The Maui News* not supposed to take you guys serious anymore? I'm a graphic designer, I'm 25 years marketing. I mean seriously now they gotta go hire more help and they're already understaffed because they gotta not trust the press releases that come through? I'm baffled. I feel sorry for all the news sources, *Maui Time* and *Maui Now*, and *Maui Watch*, and I feel sorry for them.

And you definitely need a hooponopono. And I will submit my written testimony and give some suggestions of the people who are practitioners that you guys should do, but you should definitely consider that.

I wish you all the best. I'm so blown away that this is...I always use...I always overuse the word audacious, I always keep trying to find a new word, but this is crazy, this is audacious. I really, really am going to pray and send light around all of you to make better, to make good decisions moving forward. And like I said, good

leaders can admit when they make mistakes. Just remember that, it's okay. Ho, we're so tired of being habut and perturbed and mad already. You know so Happy New Year, Maui County Council.

MEMBERS OF THE AUDIENCE LAUGHS AND APPLAUDS

MAYOR ARAKAWA: Any questions for the testifier?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Tina Wildberger testifying on Resolution 17-5 to be followed by Susan Bradford.

MS. TINA WILDBERGER (testifying on Resolution No. 17-5):

Aloha, Mayor. Aloha, newly elected Council for 2017. Congratulations.

I wanted to just make a couple comments referring to 17-5, first, just congratulating all of you and your election, and that all of us here have put in so much work, blood, sweat, and tears for this election. Some of us won, some of us lost. I think an unfortunate tone has been set in the last 30 days, and maybe it's time to have a reset.

I just have some questions to ask I guess. I don't pretend to be an expert in County dealings and policy, and how everything works because this is all new to me as well. So just a couple of questions.

MAYOR ARAKAWA: Excuse me?

MS. WILDBERGER: Why such a...

MAYOR ARAKAWA: You can testify but you cannot ask...they're not going to be able to answer --

MS. WILDBERGER: Okay.

MAYOR ARAKAWA: --questions.

MS. WILDBERGER: I will testify my wonderment in that case that --

MEMBERS OF THE AUDIENCE LAUGH

MAYOR ARAKAWA: Okay.

MS. WILDBERGER: --why the number --

MAYOR ARAKAWA: That's fine.

MS. WILDBERGER: --of committee members have been reduced by such significant numbers in key committees? I would also wonder why committee chair wouldn't appoint their own members? That just seems unusual that people would be appointed committee chairs and then told exactly who their committee members are going to be. And then I'm wondering if maybe you're allowed to meet but are you obligated to meet before this day to determine who's going to do what and who's going to be in what position?

And I wish you all the best and luck. I think there have been very many, very positive comments and suggestions and ideas, and maybe we can take some of them into account. I wish you all the very best and imua.

Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions, Councilmembers?

COUNCILMEMBER ATAY: Yes, I have a question.

MAYOR ARAKAWA: Excuse me, hold on.

Councilmember Atay.

COUNCILMEMBER ATAY: Your wonderment of why, you know, like the number of, down to five. Are you...the wondering is if not broken, why change it?

MS. WILDBERGER: Right. Was there was a resolution? Was there something that precipitated changing the number of committee members? Why would it be reduced down to five? A reduction from seven down to five is a considerable reduction. And so I noticed that some very important committees had some very significant reduction in numbers. And as I said, I don't pretend to be an expert on County policy and procedure, so.

COUNCILMEMBER ATAY: So for most of the committees you would suggest keeping it at seven and in some nine?

MS. WILDBERGER: Or at least if it's not going to be that way, what is the reasonable justification for that having transpired.

Thank you.

MAYOR ARAKAWA: Okay, any further questions?

Thank you.

ACTING COUNTY CLERK: The next testifier is Susan Bradford testifying on Resolution No. 5, to be followed by Loyal...excuse me, Lloyd Fischel.

MS. SUSAN BRADFORD (testifying on Resolution No. 17-5):

Thank you. Thank you, Mr. Mayor. Thank you. New Council, congratulations, everybody. I guess we're off with almost you might say a bang.

MEMBERS OF THE AUDIENCE LAUGH

MS. BRADFORD: I'm here to...I really support what Lucienne, Dick Mayer, and so many others have said. I'm not going to repeat a lot of it, but I want to bring up something that I think is really important and that is perception. This country has gone through a lot of turmoil in the last year, and it's because people have stopped believing in government. They don't believe you. They don't believe in their officials anymore, and people are taking extreme measures because of that. Today people are here. The first day of the Council, of a new Council and it's the same thing. I think people are not trusting what's going on. There's not a transparency. Whether or not this was illegal or not illegal and all these little legality things, the perception is that there's a railroading going on here, that this is not appropriate for getting the public to believe in our elected officials. And if we can't believe in you then who to run our government? And so, you know, we can dicker about what's legal and what's not legal, but the perception is that the, some acts were taken that undermine leadership.

I mean what is a leader? A leader comes and I would assume a leader wants to empower each and every Councilperson so that they do what they do best and that they have a sense that they're, they belong and that they count. Not that they're leftovers, not that they just came in, not that their committee is cut and shredded like

Kelly King's or that with Elle taken off the Planning Committee, Don Guzman not having Agriculture. I mean what is this? How can we believe in you with this kind of action going on? And so...

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down, let her finish speaking.

MS. BRADFORD: So I really encourage you to rethink who is the Council Chair. We...you have...I would hope that you would want somebody that the public can believe in and that you can believe in, not somebody who's already made decisions before you even got here. And I would hope that the same with the Vice-Chair.

I would hope that the...in 17-5 that you have committees that make sense and that somebody didn't just kind of go chop 'em up and give smaller power to some people, because maybe...you know, there's this another perception that this County Council has five on one side and four on the other. And this activity is just supporting this public perception. This country doesn't need this kind of perception going on of lack of trust in government.

MAYOR ARAKAWA: . . .*(inaudible)*. . . Susan.

MS. BRADFORD: So please, it shouldn't be on committees that all five on that side cover over of the other four's votes. That's not...that doesn't...that won't work either for trust in government. So I beg you to rethink this. Put in a new Council Chair, redo the committees, get people on the committees they're appropriate for.

MAYOR ARAKAWA: Susan, tie it up.

MS. BRADFORD: And I wish you well.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for the testifier?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Lloyd Fischel, to be followed by Maureen Traub.

MR. LLOYD FISCHEL (testifying on Resolution Nos. 17-1 and 17-5):

Good afternoon. And I'd especially like to welcome the new Councilmembers, and thank you for committing yourselves to this very easy job.

MEMBERS OF THE AUDIENCE LAUGH

MR. FISCHEL: Seventeen one, it's clearly it's time for us to codify the process of making a Chair, and it had been suggested that perhaps the, those that got the most votes, you know, in the General Election should be most considered for that position and the Vice-Chair position. When you discuss this, please consider this as a possibility. If the person who got the most votes isn't quite right for the position, you guys can discuss it and pare it out. But this way there won't be such a, as Susan just mentioned, such a specter that there's wrongdoing going on in our government.

Secondly, on 17-5 this was touched on but consider the elimination of the nine Members for the Committee of the Whole or the bringing that number down at all. The Policy and Intergovernmental Affairs Committee bringing it from nine. These are the committees that protect our Chamber. This is the people's Chamber. This is not the Mayor's Chamber, this is not the Administrative Chamber. In this forum here, he sits there, but the fact of the matter, this is our Chamber. Down in the lobby, his photo is above all of your photos, but that's really not the structure of our government. And I think down in the lobby, it should be changed as well. This is the people's Chamber.

And I would like to just quote here that from Carlito.... That was handed out when I walked in. It was from the Mayor. I was told this was copied for us by the Mayor's Office...the Mayor they said. Ninety-two point one of the State is declaration of policy and intent. This letter is a 14-page letter that was written by our Corporation Counsel. And it says in a democracy the people are vested with the ultimate decision-making power. This is what has to be reaffirmed over and over and over. And I would ask you, Councilmembers, to recognize that if you err today, if you err today in terms of the spirit of this, you will see less and less people enfranchising themselves to support this government. And this is the sure way to confusion and chaos in society.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for Lloyd?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Maureen Traub testifying on Resolution 17-1.

MS. MAUREEN TRAUB (testifying on Resolution Nos. 17-1 and 17-5):

Aloha, Mayor and County Council.

My name is Dr. Maureen Traub. I've been a licensed medical doctor for over 30 years, 20-plus of which on Maui County. And aloha.

I'm here to speak about health and 17-1 actually, and about due process. And I could cry and get really upset and sad because three years ago we won a vote to remove, to have some testing done on the chemicals on the land by Monsanto.

CORPORATION COUNSEL: Chair.

MS. TRAUB: And what we're talking about here...

MAYOR ARAKAWA: Excuse me.

MS. TRAUB: Yeah?

MAYOR ARAKAWA: You have to stay to the topic.

MS. TRAUB: Seventeen one, yeah.

MAYOR ARAKAWA: That's not 17-1.

MS. TRAUB: Yeah. I'm talking about sadness actually.

MAYOR ARAKAWA: This is...stay...

MS. TRAUB: Frustration and sadness.

MAYOR ARAKAWA: Just stay to the topic and you'll be --

MS. TRAUB: Thank you, Mayor.

MAYOR ARAKAWA: --okay.

MS. TRAUB: How did this happen? How did you get to elect yourself onto, as Chair when there was no due process? Could you answer that directly? Because, you know, we actually won that vote 3 years ago as well and we are being poisoned 240 days of the year still.

MAYOR ARAKAWA: Stay on 17-1.

MS. TRAUB: Okay, 17-5 now I'd like to speak about how many Councilmembers are voting. As Mr. Atay mentioned, we need at least nine members for land development because we need the aina protected. We face a health crisis on Maui. I spoke about that before three years ago. In fact I took the front ad page on the Sunday paper two days before the election to warn the citizens that we face a health crisis on Maui. We need nine members or more on the land and developmental, development council so that we can have organic farming, freshwater, and take care of the keiki and the aina.

Mahalo.

MAYOR ARAKAWA: Thank you.

Any questions, Councilmembers?

Councilmembers, I have a request to take a break. We've been at this for two hours. So if there's no objections...how long, Bob? Fifteen minutes? Fifteen-minute break. Okay. We'll be back at 4:15.

COUNCILMEMBER KING: Mr. Mayor, can you just tell us where we're at in the number of testifiers?

MAYOR ARAKAWA: How many testifiers are left?

ACTING COUNTY CLERK: Mr. Mayor, the next testifier will be No. 29 of 68.

COUNCILMEMBER KING: Okay, thank you.

MAYOR ARAKAWA: Okay. So at 4:15, Councilmembers. Four fifteen. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:59 P.M., AND WAS RECONVENED AT 4:17 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER GUZMAN, EXCUSED.)

MAYOR ARAKAWA: Council meeting back in order.

Mr. Clerk, next testifier.

ACTING COUNTY CLERK: The next testifier is Donme [*sic*] Becker testifying on Resolutions 1, 5, and 7. Donme [*sic*] Becker.

MAYOR ARAKAWA: Donnie Becker.

ACTING COUNTY CLERK: The next testifier is Gabe Johnson testifying on Resolution No. 1. Gabe Johnson. To be followed by Sam Small.

MAYOR ARAKAWA: Can you identify yourself please.

MR. DONNIE BECKER (testifying on Resolution No. 17-1):

My name is Donnie Becker. I live in Kihei.

I think with what just happened earlier I'd like to maybe...I know we can't ask questions but hopefully we can get the answers. I think we need to know why if a Chair is possibly going to be chosen today, tomorrow, or the next day, what will happen when OIP and the Ethics Commission once they rule with their decisions? What's going to happen with that elected person? I don't think we've addressed that. So that's a question hopefully we can get an answer for.

History, we will all be judged. We have to learn from our past or we are doomed to repeat it. Maui County is not just another city in the boonies somewhere in America. It's here, it's sacred, it's precious, it's what people consider paradise, and it can't be replaced.

(Councilmember Guzman returned to the meeting at 4:18 p.m.)

MR. BECKER: So getting back to the...with all these roads intersecting and coincidences all happening here at the same time here on Maui, we are given the most important ancestor responsibility for what the future will be like living here on Maui and how we will in Maui allow the nine newly appointed public servants representing the County Council here on Maui to make the best decisions that will affect all of our lives, including themselves. This is not about you, Councilmembers, you the Mayor, this is about we. This is a community of people that finally have risen up in mass numbers that are not going to stop. They're going to demand that you're going to start to serve the people and not be serving the corporations that are running amuck here.

There is so much each one of you individually can do, and it's amazing what a group of you can do. We have all been ignited to all the future possibilities of not allowing the corporation greed with their puppet strings pulling the past Councilmembers around, and we're finally here to cut these strings forever for the good of Maui. You have all been elected to serve the people, and serving the people and not the corporations and their stockholders best interest is so finally done here in Maui County. Your legacy demands this truth. This is what you guys are going to be remembered for years later after you're done serving your election time here.

The most significant moment in time is here on Maui right now. Democracy means the supreme power is vested in the people. That is so important. The people is why you guys are serving. We the people, for the people, and we the people of Maui County are to be the ones you're serving.

Thank you very much.

MAYOR ARAKAWA: Thank you.

Any questions for Mr. Becker?

ACTING COUNTY CLERK: The next testifier is Gabe Johnson testifying on Resolution --

MAYOR ARAKAWA: Thank you.

ACTING COUNTY CLERK: --No. 17-1, to be followed by Sam Small.

MR. GABE JOHNSON (testifying on Resolution Nos. 17-1 and 17-5):

Aloha, everybody. I'm Gabe Johnson.

Okay, aloha, Councilmembers. Thank you for allowing me to testify on this important matter of 17-1 and 5 before the Council.

There have been many very good points said today and I'm sure that many more valid opinions will be shared by the following testimonies. So the way I see it is this, Mr. White in particular needs to take a step back and look at the big picture. The big picture here is that we appoint our Council under the belief that it's the preference of the people. It's the people's preference. The Council belongs to the people and the people are tired of what has been happening. The people here in this room today may have agreements and disagreements, but what we can all agree on is the value

of a democratic government. Seventeen-five is not democratic. Seventeen dash one is not democratic. It ignores the Sunshine Law and it smacks of backdoor politics.

I came here from Lanai City today. I took a taxi, then a ferry, and then finally the bus, and all just to share my point of view with the Council for a measly three minutes, three minutes of testimony. But it's because I believe in the system, I believe in transparency, I believe in having a rigorous debate so we can come out in the end with a representative government. Too long our government has ignored the people here. Councilmember White may, he may find himself the best man for the job and that's his right, but remember it's how the people feel. Okay? It's who we think would be best for the job, because as it stands now, large corporate interests are having too much of a say in our local politics. Alexander and Baldwin, Pulama Lanai should not have a seat at this table. We the people should have a seat at this table.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down.

MR. JOHNSON: The HC&S...

MAYOR ARAKAWA: Let Gabe finish his testimony.

MR. JOHNSON: The HC&S workers should be heard. The small business owners should be heard. The parents of the children who go to school next to chemical-laden fields should be heard. I think 2017 is a new chance for our County government to listen to the people.

In closing, I reflect on my campaign to run for the County Council seat of Lanai. I raised only $1,900 and I got over 19,000 votes.

MEMBERS OF THE AUDIENCE APPLAUD

MR. JOHNSON: So --

MAYOR ARAKAWA: Keep it down, let him finish his testimony.

MR. JOHNSON: --there is a message, there is a lesson to be learned here for the Councilmembers here. It's not the size of your treasure chest, it's the size of your heart. Okay? That's what gets people to vote. That's what people would sit back and say yeah okay, I back you guys.

MAYOR ARAKAWA: Okay, Gabe, you're about done?

MR. JOHNSON: Okay, I'm almost done.

So instead of bending to the will of your corporate donors, you must bend to the will of the people, not Corporate Counsel, not large landowners, and not other established politicians who are trying to gather power.

Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions for Gabe?

Keep it down, guys.

Any questions, Councilmembers?

Okay, thank you.

ACTING COUNTY CLERK: The next testifier is Sam Small testifying on Resolutions 1 and 2, to be followed by Robin Kealiinohomoku.

MR. SAM SMALL (testifying on Resolution Nos. 17-1 and 17-2):

Aloha and happy new year. Thank you for the opportunity to testify here today. It's an honor to be part of a democratic process.

Two of our County Councilmembers received more votes in this past election than anybody else, and running essentially on a platform of change, of transparency. Those County Councilmembers deserve to be put in positions of authority, not to be marginalized and stripped of all power in favor of a system that favors corporate development. Gaming the system the way that Mr. White has attempted to do is an insult to Maui's voters.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down.

MR. SMALL: It's also been suggested that Mr. White violated our County Charter using Council resources for his November 11th press release prematurely announcing his questionable power grab. In response to that, on Thursday, Mr. White switched venues and posted his most recent rebuttal on his own private website. The problem here is that Mr. White's personal website prominently features the County's logo and is located at the carefully chosen URL, mauicouncil.org. Mr. White's personal website is a convincing fake. It fooled *The Maui News*. It fooled *Maui Time Weekly*. Both incorrectly attributed that post to the Council's website. And it fools the public too into thinking that Mr. White's personal agenda is the official agenda of Maui County. That ain't right.

Mr. White also quite possibly broke the law by firing and hiring Council Services' staff, forgoing written exams, and ignoring all the previous standards of approval that should include all Councilmembers. We citizens just voted for a Charter amendment to strip the Mayor's Office of that exact abusive power, and here he is exerting that kind of abuse.

We also most recently as a community voted to empower this Council to seek independent counsel so that when we get Council opinions from the corporate lawyer that the Mayor appoints, we have an opportunity as a public to get a different voice. If ever there was a time to execute that, now is the time. We need a different opinion --

MEMBERS OF THE AUDIENCE APPLAUD

MR. SMALL: --because I don't think the opinion that we've received is valid. It's self-serving.

Mr. White says that his critics come from political action committees that hide donor names from campaign spending reports and use fear tactics and intimidation to get their way. Everyone knows that if your name is published...I have two things that I'm talking --

MAYOR ARAKAWA: Yeah.

MR. SMALL: --about.

MAYOR ARAKAWA: You have a second one, yes.

MR. SMALL: So I'll move on to the second one. Thank you.

Everyone knows that if your name is published in *The Maui News* as a donor to "the wrong candidate" that you will be subjected to retribution at your business or place of work. That's the way things are done. It's wrong. Why do you think they publish those lists? To make it clear who is speaking out "inappropriately" against the powers that be. Talk about fear tactics and intimidation. Anonymity is actually a fostering agent of free speech in an oppressed society, and this is an oppressed society. I urge you to delay 17-5. The committee structure that has been created is absurd. That the Committee of the Whole doesn't represent the whole, are you kidding me? We need aponoapono [*sic*]. You nine people need to speak with one another. How many years has it been since some of you have had just a pleasant conversation with one another? You need to function as representatives of the spirit of this community, not corporate interests. Corporate interests have enough control financially. You serve these people, not corporations.

MEMBERS OF THE AUDIENCE APPLAUD

MR. SMALL: And the notion, Mr. Hokama, that you expressed recently that embraces cronyism is absolutely disgusting. That is what is wrong. It's why this Council took action to limit the powers of the Mayor, and here you sit telling us that it's okay. It's not okay. Business as usual stops.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay. Any questions?

COUNCILMEMBER ATAY: Yes, I have a question.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER ATAY: I'm just trying to get some clarification. On 17-1 you're, some of the things you're citing, are you suggesting that we should be asking for an investigation on possible malfeasance violations that have occurred?

MR. SMALL: Wholeheartedly recommend that. There is sufficient evidence to today stop the installation of Mr. White as Chair. There are too many underlying issues that have come to the surface, too much malfeasance potential. And we have...if you're hanging your hat on the opinion of this Corporate Counsel, you're making a big mistake.

COUNCILMEMBER ATAY: Okay. And then the second point of clarification that I'm trying to get, on 17-5 you were referring to the Committee of the Whole because last year there was a Committee of the Whole and in 17-5 they're now proposing not to even have a Committee of the Whole.

MR. SMALL: I believe the Committee of the Whole is a valid thing. Trimming these committees down, the quote that I read from Mr. White was that people were overworked. And so the reason, the justification for trimming down the number of people on committees and the number of committees is to give people a break. I know it's a tough job, you know, and it's...these committee meetings can be very difficult but that's the responsibility. And it works from what the people's needs are, not from what...your organization is here to serve the people.

COUNCILMEMBER ATAY: Okay.

MR. SMALL: It has to work from what the people's needs are, not what's convenient for the Councilmembers and not what is a Machiavellian turn at controlling voices that one individual disagrees with.

COUNCILMEMBER ATAY: Okay, thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

COUNCILMEMBER COCHRAN: Mayor. Wait. Mr. Small. Mr. Small.

MAYOR ARAKAWA: Hold on.

COUNCILMEMBER COCHRAN: Chair, Mayor, may I?

MAYOR ARAKAWA: Councilmember Cochran.

COUNCILMEMBER COCHRAN: Aloha, Mr. Small.

MR. SMALL: Yes.

COUNCILMEMBER COCHRAN: Thank you.

So you said you got a quote about Members are overworked and that's the reason for downsizing the membership on committees?

MR. SMALL: I believe that was one of the responses that Mr. White made to one of the publications when they made an inquiry into these issues as to why he did what he did. I'd be happy...it's, you know, posted online, I'd be happy to provide that.

COUNCILMEMBER COCHRAN: Okay, thank you very much.

MAYOR ARAKAWA: Any further questions?

Councilmember Guzman.

COUNCILMEMBER GUZMAN: Mr. Small.

MR. SMALL: Yeah.

COUNCILMEMBER GUZMAN: You know I don't need a break. I was elected to work and I don't need a break. Do you agree with that?

MEMBERS OF THE AUDIENCE APPLAUD

MR. SMALL: Yes, I'd like to see you --

COUNCILMEMBER GUZMAN: Yeah, thank you.

MR. SMALL: --go to work. Yeah.

COUNCILMEMBER GUZMAN: Thank you.

MR. SMALL: Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay. Any other questions?

Thank you.

ACTING COUNTY CLERK: The next testifier is Robin Kealiinohomoku, to be followed by Lawrence Carnicelli.

MS. ROBIN KEALIINOHOMOKU (testifying on Resolution No. 17-5):

Aloha, Mayor Arakawa and Maui County Councilmembers. Congratulations to all of you.

Today I stand here to share my manao and thoughts as we begin our 2017-2019 Council term. And as you proceed forward to represent the people of Maui of whom we have spoken through our votes, I have huge expectations of each and every one of you.

One, the voice of the people is the voice of our Queen, and I know many of you have heard that. And that is very true, as you can see our Chambers are full of people. Mahalo, Maui, for coming out.

Two, we are all part of the fabric of Maui. You all are responsible for ensuring the people of Maui live in the healthiest of environments and have a quality of life that we have worked so hard for.

Three, I do pray today your moral and ethic values will guide your mind and your heart, and make decisions for the best of Maui and not by groups who have contributed donations to candidates for representation at the Chamber Council.

Lastly, do not approve Resolution 17-5 establishing the standing committees of the Council, defining their duties, and appointing their members, and I demand a more balanced makeup of committee membership with seven members on each.

Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions, Councilmembers?

ACTING COUNTY CLERK: The next testifier is Lawrence Carnicelli testifying on Resolution 17-1, to be followed by Tom Hansen.

MR. LAWRENCE CARNICELLI (testifying on Resolution Nos. 17-1):

Good afternoon, Mayor, Councilmembers.

I'm kind of reminded of the quote, it's a variation of this but it's like anyone that would actually want the job of public office should automatically not be qualified for it. It's

just like for you guys to want to do this, my hats off to each and every one of you. You know I think that what you do for our community is a great service, and I greatly, greatly appreciate that.

You know I was thinking about it on the way here, if you go to the Declaration of Independence, the U.S. Constitution, the State of Hawaii Constitution, and the Maui County Charter, the word democracy is not in any one of those documents. We're a representative government, and we've chosen the ten of you to represent us. And that's a big job obviously, a lot of heavy lifting. Well, there's nine Councilmembers and then I'm including the Mayor, so I'm including all ten of you, to run a three-quarters of a billion-dollar County. It's a big job.

And I just want to say that I trust each and every one of you, I really do. I think that each one of you is coming from a good place. I really honestly believe that. I think that sometimes we disagree on the direction with which we need to do those things, but I think we all agree that Maui's no ka oi. I think we all agree that we need to address affordable housing. I think we all agree that we don't want Maui to become Oahu. I think we all agree that we need to protect our resources, our environment. I think we all agree that we want to increase the prosperity of Maui families. You know there's a lot that we agree on. There's a lot that we agree on, and we're going to come from different places and we're gonna kind of, you know, come...we're going to disagree about certain things, but ultimately what we want is the same thing.

You know I come from a big Italian family and we argue a lot, but at the end of the day it's over, it's done. And so I wish that for each one of you in 2017. You've got a long road to hoe. It's going to be a lot of us that are going to show up again, testify either side of things, but hopefully we can be that big Italian family and all come together at the end. Because the one thing that we all do share is that we're all Mauians, that's the one thing that we're actually all the same on. So we might be divided in other ways, but we're all Mauians and we all want Maui to be the best because it is.

And so thank you very much, Councilmembers, for doing what you do, and thank you, Mayor.

MAYOR ARAKAWA: Thank you.

Any questions?

COUNCILMEMBER KING: Yeah, I just have a question. What item were you testifying on?

MR. CARNICELLI: I just, I put 17-1.

COUNCILMEMBER KING: Okay.

MR. CARNICELLI: It's kind of inclusive I think of every single resolution that you're going to be voting on. To me is because what I...is to me is like I trust you guys. I may not agree with the outcome.

COUNCILMEMBER KING: Okay.

MR. CARNICELLI: But I trust all the resolutions, everything that you've got to do that each one of you is going to do what you think is best for Maui. So --

COUNCILMEMBER KING: Thank you, Lawrence.

MR. CARNICELLI: --yeah.

Thank you.

COUNCILMEMBER ATAY: I have another question.

MAYOR ARAKAWA: Bob [*sic*].

COUNCILMEMBER ATAY: So the item that you were testifying on is 17-1 and you shared your manao there. My question is, are you for 17-1 or are you against 17-1?

MR. CARNICELLI: I personally am entrusting you. That is to me, that's where I stand on it --

COUNCILMEMBER ATAY: Okay.

MR. CARNICELLI: --is that we're not a democracy, that we are a representative government, and I've chosen you --

COUNCILMEMBER ATAY: Thank you.

MR. CARNICELLI: --specifically to...and I trust you what you're going to do with that.

COUNCILMEMBER ATAY: Okay.

MR. CARNICELLI: Yeah.

MAYOR ARAKAWA: Any other questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Tom Hansen testifying on Resolution 17-1, to be followed by Debra Greene.

MR. TOM HANSEN (testifying on Resolution No. 17-1):

Thank you.

Aloha, Mr. Mayor.

MAYOR ARAKAWA: Aloha, Tom. It's been a long time.

MR. HANSEN: It has. Hey. And oh, it's a nice group of people.

I agree with this gentleman who just testified. In my opinion, I've been here since 1967 and I've followed every Council through the years, because I was a teacher at Lahainaluna. And in my opinion Mike White has been by far the best Council Chairman we've ever had. He's intelligent, he's honest. He comes from a background of kamaaina and he cares about the people, and more importantly he cares about Hawaiian people which is something I care about.

I don't know, since I've been here in the 50 years, I never had, we never had any difficulty with how the Council was organized. This is the first time.

I'm happy to see Don Guzman back, because I always figured we needed somebody who had a lawyer's background, who could decipher the laws and so forth. And he is not reticent about offering his opinion which also I like.

And I think that whether you do it before the actual organization date or on the organization date, it's not going to change anything that I can see. They're still going to go that same way, right? But I want Elle Cochran to have some position on the Planning Commission [*sic*]. We need somebody from Lahaina there. And I would hope you would look at that, Mike.

Other than that, I wish you all a Happy New Year. I want to thank you for your service. God bless each and every one of you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for Tom?

Happy new year, Tom.

MR. HANSEN: Happy new year.

MAYOR ARAKAWA: Great to see you.

ACTING COUNTY CLERK: The next testifier is Debra Greene testifying on Resolution 17-1, to be followed by John Belles.

MS. DEBRA GREENE (testifying on Resolution No. 17-1):

Aloha. Thank you all for being here, Mayor, Councilmembers, staff, members of the community.

I'm testifier number I think 35 out of 72 and counting, and there's very little that I can say at this point that hasn't already been said. And I wonder when is the last time when there has been an issue that has had so many people testifying and has had so many people pretty much saying the exact same thing, pretty much in complete agreement. The people have spoken. The people are speaking. And I really hope that you're going to listen, because what has been done is not right. So please listen and do the right thing, make it right. And whether it's a technicality, you know, having to do with the Sunshine Law violation or not is pretty irrelevant, because I mean the bottom line is what has been done is just not right.

I have lost all faith in Mike White. Mike White is not my Chair. He may say that he did this because somebody else or some others were trying to do it and so, you know, he just did it as a reaction or did it first, but that's not the way to handle it. What has been done is wrong, so please make it right.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

If not, thank you very much.

ACTING COUNTY CLERK: The next testifier is John Belles testifying on Resolution No. 1, to be followed by John Korpi.

MR. JOHN BELLES (testifying on Resolution No. 17-1):

Aloha, everybody. Mele Kalikimaka. Hauoli Makahiki Hou.

Yeah, on that whole Mike White thing, I'm just really bummed out.

UNIDENTIFIED SPEAKER (from the audience): Speak louder please.

MR. BELLES: On that whole Mike White thing, it's a disaster, you know. And he misrepresents his community also, okay. His district right now is in a state of emergency. We got 12 feet high of backfill of red dirt falling in the water, Paia. I call his office, he no return my call. He not listening to the public. He listening to his wallet. And, you know, for me, I going say we don't have any use for Mike White. Seriously, I mean he hasn't done a damn thing for Maui. I mean, you know, real estate development, yeah, but, you know, his district is in an emergency right now. You guys can drive down to Paia Little Park and go look. You know and it's like he's not going...you know, he couldn't call the DLNR. I've tried calling the DLNR. The whole agency thing, it's all foreign corporation, you know. State of Hawaii, foreign corporation out of United States on the contract over here. Well, guess what? December 23, 2016 the last lease for the State of Hawaii expired. How about that? How about that? So now and see so now we get another problem. How is A&B on an expired lease going to sell the cane field land --

CORPORATION COUNSEL: Chair.

MR. BELLES: --to the County --

MAYOR ARAKAWA: Keep it to the topic.

MR. BELLES: --when the lease is expired?

MAYOR ARAKAWA: Keep it to the topic that you're on. Don't get off of it. So...

MR. BELLES: Yeah, yeah. So the topic is, you know, Mike White, you know, you need to go, man. Aloha.

MAYOR ARAKAWA: Okay.

MR. BELLES: We done with you, Mike White.

And then yeah, and then also I wanted to ask, if you guys have documentation of subject matter jurisdiction I would like to see a copy please.

CORPORATION COUNSEL: Chair, it's not an agendized item.

MR. BELLES: Okay. No, it is in the agenda, because in order to operate like this you have to have subject matter jurisdiction.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down, guys.

MR. BELLES: So do you have, do you have a copy of your...

CORPORATION COUNSEL: Thank him for his testimony.

MR. BELLES: All right.

MAYOR ARAKAWA: We'll note your request.

MR. BELLES: Any questions?

MAYOR ARAKAWA: Any questions, Councilmembers?

MR. BELLES: All right. Aloha.

MAYOR ARAKAWA: Okay.

MR. BELLES: Anybody? No?

UNIDENTIFIED SPEAKER (from the audience): Aloha. Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: The next testifier is John Korpi, to be followed --

MAYOR ARAKAWA: Keep it down.

ACTING COUNTY CLERK: --by Tamara Paltin. John Korpi.

MAYOR ARAKAWA: John. Is John here?

ACTING COUNTY CLERK: The next testifier --

MAYOR ARAKAWA: Okay.

ACTING COUNTY CLERK: --Tamara Paltin testifying on Resos No. 1 and 5.

MS. TAMARA PALTIN (testifying on Resolution Nos. 17-1, 17-5, 17-7, and 17-9):

Aloha kakou. Happy New Year. I just wanted to, you know, kind of touch briefly on 7-1...17-1, 17-5, 17-7, and 17-9. And I'd like to start with 17-5 in case I run out of time.

I'm really concerned about the way that the standing committees have been organized. And one of my main concerns here with this is, you know, there is a housing TIG that was made in the last Council term and I think that it has made a lot of progress and yet Councilmember Cochran was left out of the Housing Committee, Housing, Services Committee. And I think, you know, similar to what Mr. Mayor was...or I'm not sure if it was Mr. Mayor but there's no whereas or reasoning as to why. And similarly, Councilmember Guzman's Ag Working Group also has been making a lot of progress, and he's been left off of the Policy, Economic, Ag Committee without any whereases. And I think it's really important, you know, to hit the ground running. But if you leave people who have these expertise or who are making headway off the committees without any whereases, it's a significant problem.

I agree with majority of the testifiers previously. I think they've said a lot of good points that I won't be able to repeat so eloquently as they have.

I was very disappointed to see those four Council Service people let go. No disrespect whatsoever to Mr. Baz, I also respect him, but it...in working with those people, I noticed that they were very non-partisan, very ethical, very concerned about conducting their business in a way not to unduly influence people. And I think it's a real shame that they were treated the way that they were.

I just wanted to quote this guy that works for the County that pretty much all of us County workers have had to deal with. You probably know him, Ralph Thomas. And he trains us on EEO things and he says, you know, I don't get how you guys talk about appointed people or civil service, or even in this case elected officials, you know, there's no difference. We're all working for the County of Maui. And he also goes on to say that the County of Maui, Maui was here long before this place was a

County and it will be here long after this place is a County. And that's what we're working for is Maui. And I hope that we can all work together for Maui.

Happy New Year.

MAYOR ARAKAWA: Okay. Any questions?

MEMBERS OF THE AUDIENCE APPLAUD

COUNCILMEMBER ATAY: Yes, I have a question.

MAYOR ARAKAWA: Okay. Councilmember Atay.

COUNCILMEMBER ATAY: So in reference to 17-7 you talked about the appointments...disappoints of what happened to the staff members of, that were in Council Services. So what are you suggesting, that you knowing that they were good workers and all that, that they still be considered to be moving on into this term?

MS. PALTIN: I would like to see that.

COUNCILMEMBER ATAY: Okay.

MS. PALTIN: Thank you.

MAYOR ARAKAWA: Any further questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Steven Line testifying on Resolution 17-1, to be followed by Ken Cadigan.

MR. STEVEN LINE (testifying on Resolution No. 17-1):

Good afternoon, everyone.

MAYOR ARAKAWA: Good afternoon.

MR. LINE: Excuse me, I'm a little nervous up here. But I wanted to come here today because this morning when I got up and started looking through my cell phone as I usually do, I saw this notice in there from a friend that had sent to me that there was some more shenanigans going on in the Maui County Council. And this isn't

something that I've not heard before. You could say I got here in 1984 and I've watched many Administrations come and go. I was a friend of Linda Lingle before she was elected and continued to be during her term as Mayor here. I learned a lot about the County Council in that time and how important it is for the decisions that are made for the development of the County and what the future generations can expect to endure. And I'm seeing...I'm sorry, I feel as though I'm in a nightmare right now, because I thought that we were really starting to move away from that corporate greed and corporate structure mentality. And now I feel like what happened?

My hope, my greatest hope was when I met Alika Atay in a coffee shop in Wailuku just after he was elected. And by the way, I did vote for you, bro. And I also voted for you, Mr. White, because I don't know, I just I saw something in you that I had thought...and I knew a little bit about your history and I thought yeah, yeah he's going to do the right thing. And then I read that thing today and it just blew my mind. It really blew me away. I wish that you were more like him.

MEMBERS OF THE AUDIENCE LAUGH

MR. LINE: Really. And by the way, I think that it's so key important to have a Hawaiian in this mix. Have...we should have many Hawaiians, if not all Hawaiians. And I'm just saying --

MEMBERS OF THE AUDIENCE APPLAUD

MR. LINE: --we're all visiting here. We're all visiting here. They have generations of being here and they must be crying right now. And I know that's why Alika is here because he just went wait, enough already. And that really means something. And I think you should pay attention to that. That's all I have to say.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Council, you have any questions?

Keep it down.

Any questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Ken Cadigan testifying on Resolution 17-1.

MAYOR ARAKAWA: Ken. Is Ken here?

Okay, if not, go on to the next one.

ACTING COUNTY CLERK: The next testifier is Deborah Mader testifying on Resolution 17-1. And, Mr. Mayor, following Ms. Mader, we will be checking with our District Offices.

MAYOR ARAKAWA: Okay.

MS. DEBORAH MADER (testifying on Resolution No. 17-1):

Aloha. Exhale, group hug. Right?

I'm testifying regarding 17-1, although the other resolutions also I have great concern, I'll stick to this one. Thank you all for stepping up to serve. Mr. White, this is going to be directed your way. Hi, thank you. Eye contact, nice. If we've learned anything from the recent elections it's that people want change. We wish for transparency, honesty in elected officials, in each other, and in governmental agencies. We want to end the strong hold that corporations and lobbyists have on our lawmaking process. People are becoming more engaged and working harder to make their voices heard. Change is not always easy but I believe it's necessary.

I have serious issues with the transparency and honesty of you, Mr. White. Thank you. Just a few days ago, I saw a sponsored paid post on social media from mauicouncil.org. It looked like an official statement coming from Maui County government. I read the article titled "Misinformation being spread on council organization." I was shocked and saddened to see it was basically an opinion piece, a he said, she said kind of thing that made me feel really icky. Type of smear piece coming from Maui County Council. Very official looking website. Seeking more clarity, I visited the website, mauicouncil.org which bears the official Maui County seal. Using Whois, we see that the website was created by Mr. White using Maui County office address, Maui County government e-mail address, and listed Troy Hashimoto as his tech person. Troy is the Executive Assistant to Chair Mr. White. Does this mean that our tax dollars are being used to fund this website that spreads negativity about other County Councilmembers? Is our hard-earned money being used to spread rhetoric? Fueling a he said, she said campaign does not serve the public's purpose, and I feel it is a gross abuse of power. How is this pono or even legal? Mr. White is putting his personal agenda above all else and using our tax dollars to do it. How is that in public interest?

Our tax dollars also paid for the opinion piece to be spread across social media. What another abuse of power this is...made by our community. With questions...oh, when questions or disagreement of this post were posted, they were immediately deleted. This make a convenient one-sided story which appears to be coming from the County Council entity. Very confusing, very muddy, very murky. I welcome Mr. White to clear up this matter. If you can share invoices from the website and social media sponsorship--I'm almost done--we'd like to see how much of taxpayers' money are used for your personal use. In the event that I'm wrong about this funding then we have another ethics issue, because it's campaign, basically campaigning using County resources. Campaign Spending Commission would need to investigate if you are using Maui County staff, e-mail address, billing address, and trademark seal to promote yourself. Either way, I don't think this is the leadership Maui County needs. No more abuse of power, no more muddy waters. Let's work together and embrace the truth, please.

Thank you.

MAYOR ARAKAWA: Okay. Any questions? Any questions?

If not, thank you.

MS. MADER: Mahalo.

ACTING COUNTY CLERK: Moving to our District Offices. Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good afternoon and Happy New Year.

This is Dawn Lono at the Hana Office. There is no one waiting to testify at this moment but I have had a couple of calls.

ACTING COUNTY CLERK: Thank you.

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

MS. TINA THOMPSON: Hi, this is Tina Thompson at the Molokai Council Office and there is no one waiting to testify.

ACTING COUNTY CLERK: Thank you.

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

MS. DENISE FERNANDEZ: Good afternoon.

This is Denise Fernandez on Lanai and there is no one waiting to testify.

ACTING COUNTY CLERK: Thank you.

Mr. Mayor, moving to the Chamber again, next testifier is Tom Creagh, followed by Dr. Joe Ritter.

MR. TOM CREAGH (testifying on Resolution Nos. 17-1):

Aloha, everybody.

I'm here today to speak about Mr. White and what's going on. It's pretty embarrassing and what Mike White has done is not cool. Firing David Raatz wasn't a good thing to do. Because David Raatz is an ethical person, you fired him and you also fired two other OSC [*sic*] officers with no notice whatsoever. And it's very heartless before Christmas to do this. And I think you should be ashamed of what you've done to be honest.

And I'm just going to speak from the heart and I'm going to tell the Council people, the new people and the old people that the people are watching all of you, especially the people who have been on the Council for a long time. This little phone here, there's Facebook on this phone, there's going to be stuff that's going to come up here over the next two years, and people out here are going to be videotaping it and they're going to be watching what decisions you make. And you should be making decisions for the people, not for the corporations, not for the lobbyists, enough. You guys work for the people.

And it looks like this Council is divided into two. There's five who work for the Council...work for the corporations and lobbyists, and there's four here who work for the people. Hawaii is fully corrupt. It goes from the Governor to the Mayor to the Council, it's all corrupt. And I'm speaking from the heart and everyone out here is really tired of it. We need good people on the Council, we need good people at State and representative level. And I'm just, it's just appalling what's going on. It's an embarrassment.

And for Mr. Mike White, you are apparently the general manager of a 423-room hotel in Kaanapali. Is that correct? Yes, it is correct. I don't know how you can be general manager of the Kaanapali Hotel and be on the Council.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down, guys.

Tom.

MR. CREAGH: And I don't know like, I would like to know how many days you spend here in the last two years at the Council and how many days you spent working at the hotel. Because I don't know how you can do that.

CORPORATION COUNSEL: Chair.

MR. CREAGH: I think it's basically impossible for you to run one of the biggest hotels in Maui and be on the Council, and it's not fair to the people. So I don't think you should be on the Council to be honest with you. And also it's kind of weird when you had a sponsored Facebook page that came up on my wall, right, and I made a comment saying I'm not voting for Mr. Mike White in the election. And then the next day my comment was deleted. And actually I tried to make another comment and actually I was banned from saying stuff. So that kind of says a lot about you to be honest.

And just want to say thank you and aloha. Bye.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

ACTING COUNTY CLERK: The next testifier is Dr. Joe Ritter testifying on Resolutions 1, 5, and 6, to be followed by Kawika Crivello.

MR. JOE RITTER (testifying on Resolution Nos. 17-1, 17-5, and 17-6):

Honorable Mayor, former Chair White, esteemed Councilmembers, I'm Dr. Joe Ritter. A taxpaying voting citizen and resident of Maui County, and friends to many of you.

It is my privilege to speak up...and I'm sorry, I was up all night so I'm just going to read this. It is my privilege to speak up for up to nine minutes for both my family and those who can't today on three overlapping issues, 17-1, 17-5, and 17-6 specifically about Constitutional issues, against violating the County Charter, and our trust.

First, I wish you and your families good health this new year. With respect, I appreciate your service. I congratulate you on your election wins, even those of you who are corporate funded and also those who are continuing in office with no break in Sunshine Law applicability regardless of what was previously erroneously stated.

I'm bewildered. The Sunshine Law applies to sitting Councilmembers, among others. Corporate Counsel's statement of OIP opinion of non-applicability is ludicrous. Of course, when people testified on Counsel Wong's appointment, 1 was for and 52 against and the people were ignored. We remember that. Corporate Counsel and OIP may have a potential bias so we must not blindly follow this incorrect advice as a mandate. Let me be clear, the statement that Sunshine Law does not apply is legally wrong. When I had the honor of serving the people of Maui and chairing a committee for the County, I was warned by the office of Corporate Counsel to heed the Sunshine Law and I followed that. I followed that law, you must as well. You are not above the law, regardless of the opinion that Corporate Counsel or Office of Information Practices has stated. I'm compelled to remind you of the Hawaii State Constitution, and remind you respectfully which says all political power of the State is inherently of the people, and the responsibility for the exercise of that power...sorry, for the exercise thereof rests with the people. All government is founded on this authority. You may not ignore that or the people here that hired you. Even if OIP says okay, it is not.

I've stood on the Acropolis in Greece, the very hill that was the birthplace of democracy. The right of the people to govern themselves is a fundamental element of social justice of our society. A core principle of democracy from the ancient Greeks to Native Americans, from real Hawaii before colonialism, to today's Hawaii Constitution is that government authority is founded in the authority given by the people. It is wrong when a County conspires with corporations to ignore a legal vote of the people. It is wrong when local laws are passed with the people directly and that are struck down by political appointees and not certified by Council. Here I am referring to toxic agriculture and experimentation on our people without consent. This refers to Item 17-6, litigation pending. It is wrong when the authority of the people has been stripped. It is wrong when people are silenced and their will suppressed. I'm here referring to the firings in this building which relate to 17-1. And it is a travesty, mocking our system when sitting Councilmembers are excused from the Sunshine Law by political appointees. This is a sham. The sham is why so many people are here today.

And with all due respect to all of you, for your service which I appreciate and I appreciate our system, the Council is charged with protecting the public trust, the public resources, and the law. Repeatedly, resources are given to corporations that fund fascist political campaigns, not the people. Laws are violated, nothing happens.

Laws are made then ignored. Fundamental human rights and rights of nature are ignored. We're off to a bad start yet again. This relates to 17-5, small committee sizes frighten me. Honorable Councilmembers, I live here and love the land and the people. I know you do too. I have great respect for you and for principles of our system. Be the heroes I know you can be. Your power comes from us, ignoring the people you work for, the voters and existing law is not an option. People will remember what happens today. I urge you to follow the law and start working transparently for a change for the people that hired you, not for fascist corporate interests. The people are here. They hired you, they are your boss, they're watching. They can fire legally, unlike those in this building that were fired possibly illegally last week. Oh but dare to speak up and off with your head in this kingdom. We must not tolerate such illegal, unethical oppression by politicians, it is an abuse of power that we gave you. You cannot crush dissent as easily as you crush pohaku. Do not let Maui be a fascist banana republic, this is not acceptable. None of us want this, I know none of us want this. In advance, I thank you for your careful consideration of whether or not you actually really support real democracy or a fascist oligarchy.

Thank you very much.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Trudy Elkins testifying on Resolution 17-1, to be followed by Linda Norrington.

MS. TRUDY ELKINS (testifying on Resolution No. 17-1):

I wanted to come here today because I never participate in political things and I finally realized how important it is to see face to face my Councilmembers, even the ones I didn't vote for. And to take my own responsibility to try to keep up to date with what's going on. And I felt so privileged to be here today that the people that I helped elect are sitting through this all day and that so many people showed up to talk about what they care about.

Before today, I didn't come to Council meetings because I felt it was hopeless. I kept reading things in the newspaper and the media of things that I knew were not...shady dealings. I've worked around bureaucrats and politicians and I know that sometimes things just get done, they just...you can't always go the way you wish you could go, because there's so many interests competing with each other. And but I wanted you to see me because I'm an ordinary person who doesn't usually come to these things. And I want you to know that you're representing me as well as all the other people who spoke more clearly than I am right now probably.

And I just want to express my hope that we all take the high road, those of us who want to hate the people who aren't doing what we want and the people who did things we didn't think were honest, and those of you that are trying to coalesce into a Council now with new and old people. I think that idea of hooponopono is so important because something has to bring us above the business as usual, and other people have spoken more eloquently about that. But I want to thank you for my opportunity to be noticed, that I am an ordinary person and I'm counting on you to do the pono thing.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Peter R. Kafka testifying on Resolution 17-1 and 2, to be followed by Kai Nishiki.

MR. PETER R. KAFKA (testifying on Resolution Nos. 17-1 and 17-2):

Mayor, Council.

I'm a 28-year resident of Haiku and I voted for Mike White this past election and several before. When I read the article in the paper and heard the news that what smelled of a backroom deal had been perpetrated on us, I wished I could have taken my vote back. But in our system, we can't do that. So I have to stand by it. One of the reasons I voted for Councilman Mike White was in the meetings that I've gone to, I respected his ability to listen, to take in our comments, and actually to sometimes

act upon them over the years. And I respected that. I didn't always feel that from other Councilmembers, but he seemed to have some integrity there that was missing on the part of other Councilmembers. However, this changed my opinion, this seeming backroom deal, and as I said, I wished I could take my vote away but I can't.

But one thing I'd like to make a twist about is I'd like to thank Mr. White right now for alerting us in advance to what was going down.

MEMBERS OF THE AUDIENCE APPLAUD AND LAUGH

MR. KAFKA: Because I shudder --

MAYOR ARAKAWA: Keep it down.

MR. KAFKA: --to think what would have happened had this vote taken place without our knowledge, without our ability to come here and voice our objection to this backroom deal. Many of us are perturbed by it, but we gave up our holiday and thank you for having the vision to allow us to come on a holiday when most people don't have to work and can come here and testify about their concerns about this situation. So I hope, Mr. White and others will use your gift of listening to really consider this situation carefully and make the right decision. Perhaps reconsider what was announced as something that was a done deal.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions, Councilmembers?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Kai Nishiki testifying on Resolutions 17-5 and 9, to be followed by Ed Felien.

MS. KAI NISHIKI (testifying on Resolution Nos. 17-1 and 17-9):

Aloha, Councilmembers.

First of all, I want to say Happy Birthday to Kim Willenbrink, that today is her birthday, and I just want to say I am so sorry that you're having to deal with this today.

For the Office of Council Services, I would like to request that you do not approve the current version of Resolution 17-9. Chair White placed full-time OCS staff on paid leave through the remaining part of the term and told them that they would not be hired back on January 2nd with no reasons given. Such an action is not within the authority of the Chair. He also notified Kim Willenbrink and Scott Jensen that they would only be appointed for six months for a period ending June 30, 2017. I express support and request that these competent individuals be reappointed for the 2017-2019 term: Sharon Brooks, David Raatz, Ross Izumigawa, and I also request that Kim and Scott Jensen be appointed for the full two-year term. They are good people.

MEMBERS OF THE AUDIENCE APPLAUD

MS. NISHIKI: They are experienced and dedicated staff members who deserve to be on the staff. There probably isn't a Councilmember present or in the past who hasn't had the pleasure of having these great staff members work for them.

I'd also urge you to not approve Resolution 17-5. I think that the committees should be seven voting members and that we should not reduce it to five.

I would also like to advocate for the Housing Committee that we replace the current Chair, that the current Chair, Ms. Crivello has taken little or no action on critical solutions for our housing crisis. She has been Chair for four years and we have really important items. Let's talk about Front Street Apartments that we lost the opportunity to provide affordable housing because of lack of action. Tiny houses, building affordable housing, and acquisition of land for the Hale Mua Affordable Housing Project, these are all things that have been stalled due to not being brought up for action. And these are...we all know that affordable housing is a huge issue and we need these issues to be brought up. And we need to take action. So please make sure that the Housing Chair is someone who's going to be willing to work on affordable housing aggressively.

MEMBERS OF THE AUDIENCE APPLAUD

MS. NISHIKI: Also, I want to...

MAYOR ARAKAWA: Keep it down.

MS. NISHIKI: Lastly, I want to address the justification for the way things were organized and what have we all heard? Look, people, this is just how we do things, this is how it's always been done. Right? This is what we're hearing from everybody. Now, we can use that...historically we have used that justification to support racism, sexism,

classism. That is not okay. Just because something has always been done a certain way doesn't make it right, doesn't mean we should continue. It's time for change. People have expressed that. And our Councilmembers need to reflect that in their decisions and the way that they're just doing business. I think that when you think about things, just think about the Board of Ethics and what they always say, that the appearance of impropriety should make you question what you're doing. If there's an appearance of impropriety then don't do it, it's wrong obviously.

Also, I'm asking you to defer this vote and not elect Chair...Mr. White as your Chair, and to please open it up to the public. Maybe listen to more information that they have to provide and discuss it amongst yourselves in a public forum so that we can all hear what's going on.

Aloha. Do what's pono. Imua.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

If not, thank you.

You have a question, Stacy?

COUNCILMEMBER ATAY: Yes, yes, I have a question.

MAYOR ARAKAWA: Okay. We have a question. Alika.

COUNCILMEMBER ATAY: You were referring to 17-9, the different employees that were in Council Services staff --

MS. NISHIKI: Yes, sir.

COUNCILMEMBER ATAY: --that were removed from being employed the latter part of the previous year. Do you have information as to how they were removed or for what business reason they were removed or who gave that order?

MS. NISHIKI: I don't think the public has very, been very well informed about that, and I think that we hope that during this meeting that we'll be able to hear actual reasons. But I do, I did hear that they were escorted off the property right before Christmas. I think that's really embarrassing and not very thoughtful, and not very...and not with the spirit of aloha, especially at this time. And I think that our Council can do better. And we don't treat people like that, that's just rude.

COUNCILMEMBER ATAY: Okay.

MEMBERS OF THE AUDIENCE APPLAUD

COUNCILMEMBER ATAY: Thank you.

MAYOR ARAKAWA: Thank you.

ACTING COUNTY CLERK: The next testifier is Ed Felien, to be followed by Denning Chambers.

COUNCILMEMBER COCHRAN: Mayor. Sorry. Mr. Mayor. Mr. Mayor.

MAYOR ARAKAWA: Yes?

MR. ED FELIEN (testifying on Resolution No. 17-1 and 17-5):

Aloha...oh, I'm sorry.

COUNCILMEMBER COCHRAN: Mr. County Clerk...I'm sorry. Sorry. I hate to interrupt. But, Mr. County Clerk, did you call Linda Norrington a while back?

ACTING COUNTY CLERK: Yes.

COUNCILMEMBER COCHRAN: Oh. And so she didn't appear? Or because I see her in line, so sorry, I just thought she wasn't recalled --

ACTING COUNTY CLERK: No.

COUNCILMEMBER COCHRAN: --to come up.

ACTING COUNTY CLERK: Didn't respond.

COUNCILMEMBER COCHRAN: Oh. 'Cause I saw her, when you called her name I saw get in line and then she hasn't been recalled to come down. So I was wondering where she was missed in line.

MAYOR ARAKAWA: Is she here?

ACTING COUNTY CLERK: If she's here, she would be...

COUNCILMEMBER COCHRAN: Yeah, she's here. She's second in line standing against the wall right there.

MAYOR ARAKAWA: Okay. Then could you have her come in after this testifier.

COUNCILMEMBER COCHRAN: Sorry, I wasn't...I didn't hear.

COUNCILMEMBER ATAY: Who's this now?

MEMBERS OF THE AUDIENCE LAUGH

COUNCILMEMBER ATAY: Who's this guy?

COUNCILMEMBER COCHRAN: No, no.

UNIDENTIFIED SPEAKER (from the audience): You're up.

MAYOR ARAKAWA: No, you're up. Go ahead.

MR. FELIEN: I'm up?

MAYOR ARAKAWA: Yes, you're up.

COUNCILMEMBER COCHRAN: Sorry to interrupt.

MR. FELIEN: Whatever.

Aloha. Mahola [*sic*], thank you very much for having this time for us to express our concerns.

What we're talking about almost all of us here today is about a lack of trust that we don't trust the way in which the decisions have been made. We'd like to see them done more publicly, more openly, with greater participation of all the Members on the County Council. We feel like...two years ago, there was a resolution that was passed, a GMO thing that was passed that the --

CORPORATION COUNSEL: Chair, please.

MR. FELIEN: --Corporate Counsel --

MAYOR ARAKAWA: Again, I'm going to remind you --

MR. FELIEN: --did not defend --

MAYOR ARAKAWA: --to be topical.

MR. FELIEN: --in the courts. And...

MAYOR ARAKAWA: To be topical.

MR. FELIEN: I understand. I'm sorry.

MAYOR ARAKAWA: Don't get into those.

MR. FELIEN: But that...what happened there was a lack of trust. What happened was we believed when that was overruled by this Council and by this Mayor that that created a tremendous lack of trust in this Council. And as a result of that, new people were elected to the County Council. And we believe that that's a result of that lack of trust. What you're doing today is going to manifest and continue that lack of trust. It's going to continue to weaken our belief and our hope in this government.

I'm tremendously impressed by the amount of people who really care about Maui County and want to see it continue to be better and continue to protect the aina. And this Council is going against that. And I would hope that you would reconsider and reevaluate the process. And go back to square one and do it, start all over again with the election of the Chair and the committee members. And broaden the amount of committee members and not shorten them. And make the process more open and more democratic. That's all we want, because we do want to trust you.

Thank you very much. Mahalo.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

Thank you.

ACTING COUNTY CLERK: Calling Linda Norrington, testifying on Resolution 17-2.

<u>MS. LINDA NORRINGTON (testifying on Resolution No. 17-2)</u>:

Hello.

Excuse me, I...I don't have a prepared speech. I just want to make my voice heard to speak up for the democratic process. We know that people that were elected with the most votes in this current program that's been presented will get least votes in the, what actually happens on this island and that's not right. We want to know that our votes count, that every side is heard, and that those people that did receive our votes do have a say in what happens.

I have concerns about things that are going on in the island. I made an effort to reach out to the Housing Department and Chair with questions about the situation of homeless in Lahaina, and I never had a response. I want to see things done. We need to deal with the problems here.

I don't have any history with this island more than a few years but I, what I see is beautiful. This culture, this island has so much to offer, and as other people have said, we could be here a beacon for the rest of the country that's struggling right now with the same issues, the divisiveness and issues of discrimination, of disparity between income, and the corporate haves and the have-nots. All those issues are not new here, are not new or exclusive to here. But what is exclusive to here is this whole idea of pono and aina, and doing it right. And I'm asking this Council to do it right. That's all I have to say. So much has already been said, but I want to have my voice heard on that.

Thank you.

MAYOR ARAKAWA: Any questions for the testifier?

If not, thank you.

Next.

ACTING COUNTY CLERK: The next testifier is Denning Chambers testifying on Resolution No. 5, to be followed by John Gelert.

MAYOR ARAKAWA: Benny [*sic*].

ACTING COUNTY CLERK: Denning Chambers.

MAYOR ARAKAWA: Is he here? Or is she here? Ms. Chambers.

Okay, if not then the next person.

ACTING COUNTY CLERK: The next testifier is John Gelert testifying on Resolution 17-1.

MAYOR ARAKAWA: Followed by?

ACTING COUNTY CLERK: To be followed by Junya Nakoa.

MR. JOHN GELERT (testifying on Resolution No. 17-1):

Well, hello, brand new Maui County Councilmembers, Alika and Kelly and...

MAYOR ARAKAWA: Speak into the mic.

MR. GELERT: Oh sorry, I thought I speak loud.

And anyway, Mayor Arakawa, we know who you are.

And anyway, I'm here testifying for what is right and what we've heard going on with you, Mr. White, is not right. And you do not deserve to be Chair of Maui County. And you do not deserve to make all the rules to, you know, to destroy our democracy. Even if it's been that way for a while, it's not right, and the people have spoken. So I am opposed to your chair-ship, and I am opposed to these proposed committees that are...that haven't considered all of the Members of the County Council. All of the Members should have been invited to these private meetings of yours and they were not, so you are in violation and you will be judged. And hopefully you'll be impeached and some of you will go to jail.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

Any questions?

Next.

ACTING COUNTY CLERK: The next testifier is Junya Nakoa, to be followed by Marilyn Powers.

MR. JUNYA NAKOA (testifying on Resolution Nos. 17-1 and 17-2):

Howzit. I going talk about the 17-01 one, okay.

MAYOR ARAKAWA: Okay.

MR. NAKOA: Mahalo.

Ho, I talking about the first one yet, bull, this year. Okay, Bruddah, this not KBH, okay, you not the boss of us, we the boss of you. You know what I mean? So you no go make this kine, all kine decisions like that without checking with us. Okay, we the boss, not you. And then what you call, you know, how I going say this? All you guys saying that 'till today is the vote, you know, and he went go over there, make like he the Chairman and all that kind stuff, that's not the kine guy I like be the Chairman of us, the guy who going do something that is wrong. Okay. You guys totally wrong 'cause the thing not, you know, what is done before, well, today is the day that you guys vote. Okay, brah? This not KBH, this Maui, this our land. Yeah?

And then, okay, now I going talk about the number two one, the Vice-Chair one. Okay, how come bruddah Don no stay the Chairman, the Vice-Chair when he was, you know what I mean, he was the thing?

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down.

MR. NAKOA: You know you talk about trying to, you know, keep 'em going, cuz, no stop the flow, then how come you went take him out? Wrong yeah, bull, you talking out of the wrong side of your...you know what I mean? Trying to...you only get one story, brah. You cannot make the the kine, tell you going do the same and then you tell the bruddah he gotta get out. What, bull, you know what I mean? That's wrong. Again, this not KBH. Okay, you might be able can do that over there. But hey, I support this bruddah too, no get me wrong. Okay. But no go make changes without telling us, that's the bottom line. Okay.

All these buggahs, you guys all get voted. Okay. And then you know how get this Ohana one, the Ohana group and the other kine group, the old one, bull, no more that, guys. Okay. I mean I no more, I not in any of the groups. I went support plenty guys over here, some that was not in the Ohana group, some was in the Ohana group, I support 'em. Okay. 'Cause eh, I speak my thing, nobody tell me what for vote or who to support. Okay. So again, all you guys is badass, okay. That's why you guys stay here, so do the job. Okay. I no care.

And then the other one is how much people in each committee or whatever. Brah, all you guys gotta go to every single committee. Okay. Not just five here, four there, whatever, all you guys. All you guys get different kine stuff that can help the County. Okay. That's why get any kine people, you know what I mean, your Hawaiian, Filipino, you know, Japanese, Haole. You know I don't if you call haole but, you know what I mean?

MEMBERS OF THE AUDIENCE LAUGHS

MR. NAKOA: But the thing is we all get different da kine values. All you guys should be on every single committee, everybody. Okay.

And the housing one. Hi, that's my pet peeve, guys. I come over here, I talk about housing every damn time. Okay. Lahaina, we no more houses. Okay. Kaanapali was sold out in exchange for affordable homes, workforce homes. Get zero. Nothing. All these hotels on Kaanapali built but we get nothing.

A MEMBER OF THE AUDIENCE APPLAUDS

MAYOR ARAKAWA: Keep it down.

MR. NAKOA: So whoever is in the Housing and...whatever, the Council concerns or whatever, whoever is the committee, in that committee, get ready, 'cause I coming. Corporate Counsel guy, you get ready because get plenty stuffs that was done backdoor deals, whatever you guys want to call it, that wen make us people lose money...lose houses I mean. Okay. This hotel is supposed to have built 2,000 homes in Lahaina alone but we get zero again. And then you guys, the housing thing is, remember you guys should know your guys' State laws and the County laws 'cause when I coming to you guys for ask you guys about how we can make affordable homes, I busting my okole trying to get 'em. I get one project that I'm trying to do. Then I come talk to all you guys and some of them gone already, but I came over here talk, you guys gave me some ideas how, what I going do with this developer.

CORPORATION COUNSEL: Chair. Chair.

MR. NAKOA: And then we try put 'em into the project...

CORPORATION COUNSEL: Chair. It's way beyond the agenda scope.

MAYOR ARAKAWA: Okay.

MR. NAKOA: What? I'm talking about the Human Concerns --

MAYOR ARAKAWA: Keep...

MR. NAKOA: --stuff, brah, the committee.

CORPORATION COUNSEL: Stick to the agenda.

MR. NAKOA: Okay.

MAYOR ARAKAWA: We're not talking about your project. Talk about the issue.

MR. NAKOA: Okay, okay. The bottom line is, okay, the committee, whoever's in that Housing get ready. Okay. It's very important. No price us out. Okay. This Hawaiian not going no place. Okay. I get one house but I like worry about everybody else. Okay. I get one house. But let's take care of the working people, brah. Go take care traffic. Okay.

MEMBERS OF THE AUDIENCE APPLAUD

MR. NAKOA: Human Concerns, brah, that Housing, that's a very important one, so whoever get that buggah, get ready 'cause I coming. Okay. But again, I think all nine of you guys should be in da kine, the very important ones, you know what I mean? Make a change, guys. You know work together. Oh yeah, brah. Brah, you guys with five guys and four guys, you guys only can slap people, but when you guys all come together like this, ho cuz, you guys can kick some ass. Okay.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: Okay. Any questions?

Thank you.

ACTING COUNTY CLERK: The next testifier is Marilyn Powers.

UNIDENTIFIED SPEAKER (from the audience): Is that Megan Powers or Marilyn?

ACTING COUNTY CLERK: Marilyn.

UNIDENTIFIED SPEAKER (from the audience): What number is it?

ACTING COUNTY CLERK: Fifty-six.

UNIDENTIFIED SPEAKER (from the audience): Okay.

MAYOR ARAKAWA: Fifty-six.

ACTING COUNTY CLERK: Okay.

MAYOR ARAKAWA: Is she here? Is Megan here?

UNIDENTIFIED SPEAKER (from the audience): Yeah, Megan's here.

ACTING COUNTY CLERK: No, it's Marilyn.

MAYOR ARAKAWA: Oh, Marilyn. Is Marilyn here? Excuse me.

ACTING COUNTY CLERK: Okay.

MAYOR ARAKAWA: Okay, next.

ACTING COUNTY CLERK: The next testifier is Trisha Anderson.

MAYOR ARAKAWA: Trisha.

ACTING COUNTY CLERK: Trisha Anderson.

MAYOR ARAKAWA: Is Trisha here? Trisha Anderson.

Okay, next.

ACTING COUNTY CLERK: Christopher Fishkin testifying on Resolution 17-1.

MR. CHRISTOPHER FISHKIN (testifying on Resolution Nos. 17-1, 17-7, and 17-9):

Yeah, that was also supposed to be 17-7 and 9. So that got missed.

Dear Councilmembers, I...first of all, in terms of 17-1 I think as of this moment I believe that Mike White is disqualified from serving as County...as the Chair of this Council until there is further information as to whether or not what was done is unlawful or inappropriate. I don't think there should be a rush to judgment, but at that same time I'm really grateful for the community for showing up and participating in

the process and making sure that things are done right. I do believe that there's basically big power plays that go on in this Council.

I'm a legal assistant to an attorney in the County. I know a lot about what I believe is going on behind the scenes that we don't get to talk about and the dynamics at play and the forces at work. Mr. Wong squashing affordable housing that nobody knows about. You know County Members, Councilmembers intimidated by the Corporation...Department of Corporation Counsel. I think it's very unfair that the members of the County don't have all this information. Mr. Carroll tried to allow huge volumes of information to be copied by the Council. He was squashed apparently under Mike White's Chairmanship. Mr. Hokama, the corruption as usual, hiring a Legislative Assistant who God rest his soul is deceased.

MAYOR ARAKAWA: Talk on the topic.

MR. FISHKIN: But unfortunately he was also responsible for backroom dealings in Planning that resulted in --

CORPORATION COUNSEL: Chair.

MR. FISHKIN: --Montana Beach and millions and millions of dollars.

CORPORATION COUNSEL: ...extension is way beyond the --

MR. FISHKIN: Yeah.

CORPORATION COUNSEL: --scope of the agenda.

MR. FISHKIN: So as far as the --

CORPORATION COUNSEL: And it should not be tolerated, Chair.

MR. FISHKIN: --as far as 17-7 and 17-9...thank you, Mr. Wong. As far as 17-7 and 17-9, I believe that those poor people in the Council Services were sandbagged by the Gestapo. I personally consider the Department of Corporation Counsel the Gestapo here in this County.

A MEMBER OF THE AUDIENCE CHEERS AND APPLAUD

MR. FISHKIN: And I think that there needs to be...

MAYOR ARAKAWA: Keep it down.

MR. FISHKIN: I think there needs to be the proper investigation into the Department of Corp. Counsel.

CORPORATION COUNSEL: Chair, I need you to stop --

MR. FISHKIN: It's associations --

CORPORATION COUNSEL: --this line of testimony, Chair.

MAYOR ARAKAWA: Okay.

MR. FISHKIN: --with private interests and developers.

MAYOR ARAKAWA: Okay.

MR. FISHKIN: I thank you for...

MAYOR ARAKAWA: You're getting way beyond where the topic is.

MR. FISHKIN: Thank you, Mr. Mayor. I appreciate your time and your consideration. And I look forward to all the proper investigations that never happened in this Council, didn't happen under Mike White's Chairmanship --

CORPORATION COUNSEL: Chair, the same issue --

MR. FISHKIN: --and should happen in the future.

CORPORATION COUNSEL: --Chair.

MAYOR ARAKAWA: Okay.

MR. FISHKIN: Thank you, Mr. Mayor.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you. You're dismissed. You're dismissed.

Next testifier.

ACTING COUNTY CLERK: The next testifier is Miranda Camp testifying on Resolution 17-1, to be followed by Rosemary Robbins.

MS. MIRANDA CAMP (testifying on Resolution Nos. 17-1 and 17-5):

This is going way down. Okay, that's better.

Aloha, everyone. Happy New Year.

I am here as far as 17-1 is concerned. I've been watching Maui politics for over 20 years now and been somewhat involved. And I know that many years ago Mike White was very respected. I've worked in the tourist industry, heard lots of great things about him. He's done lots of great things on the Council in the past. But what seems to be happening now is what happens sometimes with people in power, their head gets too big and they get paranoid and they want all the power. And that just seems to be to the public what is happening now. So I ask that you not vote for him to be Chair and defer the whole thing so that you can make a decision on who would be the best Chair for the Council going forward.

I also want to say something about 17-5 also. The Councilmembers on the committees, there needs to be at least seven. There can't be nine on all of them, I know, and it's not everyone's expertise. But at least seven, and some of them I think do need to be nine Members. But so please vote against 17-5.

And that's all I have to say. Thank you so much.

MAYOR ARAKAWA: Any questions for Miranda?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Rosemary Robbins testifying on County Communication No. 17-4 and 17-5, to be followed by Megan Powers.

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 17-4 and 17-5):

Good evening, everybody.

MAYOR ARAKAWA: Good evening.

MS. ROBBINS: In view of 17-5, I went ahead and resurrected the resolution itself. I'm going to be sharing about Pages 3 and 8 from this 8-page resolution. First thing I'd like to say is good news, over on Page 3, Resolution 17-5, Item C as in candy, issues

relating to the protection and preservation of enhancement of environment includes recycling, yay. But it doesn't include energy issues. It makes me very nervous. That's that expensive how do we run the place, giving so much of our financial attention to petroleum products over history, time and thus the inflated debts that we have. So that was on Page 3 of Resolution 17-5.

And then over on Page 8, this is after it gives all the people who are proposed for the different committees, Council committees. On the last page it says be it further resolved by the Council of the County of Maui that all Councilmembers who are not voting members of a standing committee shall serve as non-voting members of the committee and may participate in the proceedings but shall not be counted to a quorum for the committee. So that's the resolution on 17-1, excuse me, beg your pardon, erase that, from 17-5.

And I'd like to pay attention now to 17-4. This afternoon...yeah, and this afternoon we've heard a lot of attention on immediate needs and immediate questioning of issues that are going on. But the job of the County Council carries a much bigger responsibility over time for this. We need to take a look at the history. And we know when we look back both here in Hawaii and beyond, Peloponnesian Wars if we want to go back far enough of people in my field in education, that special interest groups have been the ones who have come up with proposed laws. And when I'm hearing that the idea of the Office of Information Practices having issued an opinion on that, has anybody taken the time and research to go back and figure out what it was that was brought before them to begin with? And then where has that evolved to now? And why was it brought up to begin with? There's got to be a reason that is what's happening right here right now has been brought up for a reason. I'm not hearing anybody take a look at that larger picture. I hope that's going to happen.

The other thing is that in terms of people not knowing what's going on, many, the hours over the years that I have spent out there when they close off this session so that there will be executive sessions which disallows the people to be able to hear what's going on. So part of that is in ignorance because they're not allowed in to hear from it. So I too have great respect for people who will go ahead and run for office, take it on the chin when people disagree with them.

One of the things that was brought up in Resolution 17-4, on Page 16 of this...that's a 20-page resolution. And on Page 16, Section C as in candy again, amendment at final reading. A bill or resolution being considered for final reading that is amended at a Council meeting shall not be acted upon at that same meeting as the amendment. We've certainly seen lots of that over the years. Final action on such an amended bill or resolution shall not be taken until the next bill or resolution. Which one more time brings me to say we have to not let these resolutions be brought up at

the last minute and then here. But it has to be determined finally today because we're going to perhaps lose the funding, perhaps have to let it be put on for next session.

So I don't envy you your positions but I appreciate all of them. Thank you for your good work. And let's just make the future better than the past.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay, thank you.

Any questions for Mary?

If not, thank you very much.

MS. ROBBINS: You're welcome.

ACTING COUNTY CLERK: The next testifier is Megan Powers testifying on Resolution 17-1, to be followed by Owana Salazar.

MS. MEGAN POWERS (testifying on Resolution Nos. 17-1 and 17-5):

Aloha.

MAYOR ARAKAWA: Aloha.

MS. POWERS: All right. I'm Megan Powers from Huelo.

Good afternoon, Mayor, Council.

MAYOR ARAKAWA: Good afternoon.

MS. POWERS: Nice to see all these new faces.

I'm here speaking as a mother of two keiki o ka aina.

Ya'll take a deep breath right now. Feel your body. Tune into the food you've eaten and the water you drink and the air you breathe and the sunshine that fueled all of it. That's the aina. That's in you right now. We are only as healthy as the soil that grows our food. The Hawaiians knew that the aina is our future because future

generations grow from it. That is why it is vitally important to malama the aina, and that is why I voted for the Ohana candidates.

I'm here to speak on item, Resolution 17-1 and 17-5. I agree with Tiare Lawrence. Ya'll need to table those resolutions until you've had a hooponopono.

Seventeen dash one. Elect Mike White as the Chair of the Council. What? Do you mean, you mean rubberstamp an election that took place behind closed doors without the full participation of the Council? That's not an election. Mike, I have voted for you. I have voted for you in the past and you've done some good things for Maui. I appreciate those cards about the budget every year. But this stinks of ultimate power corrupts ultimately. It stinks. And I have lost respect and I don't feel like you should be Council Chair anymore. And so that's why I'm here speaking. If this is a public election, 17-1 needs to read something like nominations for Council Chair, right? You know like nominations. Like I nominate Don Guzman for Council Chair. Do I have a second? Okay.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it quiet. Let her finish talking.

MS. POWERS: So and then 17-5, there's two issues there. Basically the fact that the committees only have, you know, three to five people, that is insane. We need at least seven to nine people in those committees, because we need all of your manao 'cause you're, you know, you've risen to this position of leadership because you've been powerful and wise in our communities. And we're depending on you. And we need your input in those committees. And those committees just stink of, you know, that five to four that was being talked about earlier. And it's, you know, the four people in the Ohana candidates, well, they got more of the public votes and yet all the committees are outweighed. And the five old guard didn't get the majority of the public vote.

MEMBERS OF THE AUDIENCE APPLAUD

MS. POWERS: And so that is just like --

MAYOR ARAKAWA: Keep it down.

MS. POWERS: --this blatant disregard of the public. It's of our trust but it's really of what we voted for, and that's blatant disregard. And so please, I ask you to not support 17-1 or 17-5 and all the other ones related to it in the middle.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

MS. POWERS: Question?

MAYOR ARAKAWA: No questions.

ACTING COUNTY CLERK: Next testifier is Owana Salazar testifying on Resolution 17-1, to be followed by Mikiala Freitas.

MAYOR ARAKAWA: Before you start, excuse me. Danny, how many more testifiers do we have?

ACTING COUNTY CLERK: Mr. Chair, Mr. Mayor, we're at No. 65 now, we have a total of 75.

MAYOR ARAKAWA: Okay. Let's see how much we can power through.

MS. OWANA SALAZAR (testifying on Resolution No. 17-1):

You're ready?

MAYOR ARAKAWA: Yes.

MS. SALAZAR: Okay.

MAYOR ARAKAWA: Please go ahead.

MS. SALAZAR: Aloha, Mayor, Councilmembers, staff, and good citizens of Maui County.

My name is Owana Kaohelelani Mahealani-rose Kahekili Wilcox Salazar.

And actually today I really want to address overall. I'm not going to take three minutes on all the...but I would like to first of all support and uphold everything our good citizens have said today in their honorable and wise testimonies. I will be brief.

My contribution of thought today is to revisit three very basic rudimentary words and the definitions of those words. The first word is ethics. Ethics is a system of moral

principles--I'm quoting the dictionary--that branch of philosophy dealing with the values relating to human conduct with respect to the rightness and the wrongness of certain actions and to the goodness and the badness of the motives and the ends of such actions.

The second word I bring to you today, statesman. The definition of a statesman according to the dictionary said a person who is experienced in the art of government or versed in the administration of government affairs. A person who exhibits great wisdom and ability in directing the affairs of a government or in dealing with important public issues. Statesman.

Lastly, the third word, politician which according to the dictionary says, a person who is active in party politics and/or holds political office. A seeker or holder of public office who is more concerned about winning favor or retaining power than about maintaining principles.

UNIDENTIFIED SPEAKER (from the audience): Yes.

MS. SALAZAR: A person who seeks to gain power or advancement within an organization in ways that are generally disapproved. So I'd like to put this before all of our elected officials and staff, which you choose to be, a statesman or a politician? We've been hearing that you should vote your conscience, that's all well and good, and it actually sounds like the right thing to do; however, I want to remind us all that your conscience stands here today, they are your constituents. The good citizens in this room, they are your conscience.

Mahalo, Maui County. Mahalo for the time. Any questions?

MAYOR ARAKAWA: Thank you.

Any questions?

Okay, thank you very much.

MS. SALAZAR: Mahalo.

COUNCILMEMBER KING: Just a quick question.

MAYOR ARAKAWA: Oh, hold on. Hold on. We have a question.

COUNCILMEMBER KING: Sorry. The definition...I was just chuckling when you said the definition of a statesman and politician, because I've been saying that for the last three weeks. I didn't know it was actually in the dictionary.

MS. SALAZAR: It's in the dictionary.

COUNCILMEMBER KING: Is that in Webster's Dictionary you were quoting?

MS. SALAZAR: I Googled. No, my, it's my phone dictionary. It occurred to me this morning to really just...well, what is it, you know. And then when I looked them up and I saw the stark difference, I just wanted to bring these thoughts forward.

COUNCILMEMBER KING: Thank you.

MS. SALAZAR: You're welcome.

COUNCILMEMBER KING: It was very helpful.

MS. SALAZAR: Aloha.

MAYOR ARAKAWA: Okay, any other questions?

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay, next.

ACTING COUNTY CLERK: The next testifier is Mikiala Freitas, to be followed by Barry Sultanoff.

MS. MIKIALA PUAA-FREITAS (testifying on Resolution Nos. 17-1, 17-2, and 17-5):

Aloha mai kakou.

Mikiala Makanamaikalani Puaa-Freitas kou inoa.

I am here...I'm speaking on behalf of 17-5, 17-1, 17-2, so three different. But I'll try to keep it short.

I've been...I'm born and raised here on the island of Maui. I've always enjoyed following the local political scene and I've always been into the local politics as far as I can remember. I am a farmer and my livelihood very much so depends on Maui's

natural resources. So it is my responsibility to follow along and actively participate in local issues. Those of you sitting before me today, you know, will make decisions that will greatly affect, you know, my future and the future of everything that I hold dear.

With that being said, the issue that I have today is the change of the number of members in the Planning, the Land Use, and Water Committees. You know Maui is in a very crucial time. We're in a very crucial time with the closing of HC&S. And, you know, making these committees smaller is just absurd to me. If anything, they should be gaining members. You know gaining members to bring forth new and different perspectives, new and different ideas, a broader spectrum of ideas and goals, and, you know, just opportunities for us to...for all of you guys to put forth and communicate amongst. You know we, our population is like 100,000 people, we narrow it down to the 9 of you, and now we want to narrow it down to 5 in these committees? You know I went to the press conference with the Mayor proclaiming that, you know, the County is possibly going to be purchasing Wailuku Water Company as well as their infrastructure. That's huge. And now you guys want to make the Water Committee down to five people? I mean I don't know if it's going to go hand in hand, but to me it seems like if the purchase does go through, the Water Committee is going to have an even greater task ahead coming into this next County Council. You know, the next two years is going to be key for the Water Committee. So I mean that to me is, you know, is a great concern.

Furthermore, you know, touching upon 17-1. Councilmember Don Guzman, having his Vice-Chair position pulled from underneath him just days following the General Election. I didn't understand. I mean I followed the County Council discussions over the 2014-2016 years and I didn't see...I felt that Councilmember Don Guzman did a great job. I didn't...he didn't just do a great job --

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it quiet. Let her talk.

MS. PUAA-FREITAS: --I felt that, you know, he's, he holds seniority with you, Councilmember Bob Carroll. Mr. Mike White...over here, Mr. Mike White. He holds seniority, you guys are all equal and for...I want to know, there's been no public statement explaining why Mr. Don Guzman had his Vice-Chair position pulled from him. You know with that being said, there was no public business statement made as to why the Chair position was pulled. So then I was thinking okay well, then it must be personal. And then, Mr. Mike White, it must be personal or, you know, there's something that we the public just don't know. So I'm here today in hopes of

gaining clarification or a better understanding as to, you know, why that Chair position was pulled from, you know, Mr. Guzman.

You know even furthermore with that, Mr. Guzman isn't even up for the Chair position. His name hasn't been thrown out there to be voted upon for Chair. The Vice-Chair got taken from him. And even what is it, pro tempore, he's not even up for that. Like what did he do that was so wrong? So it just seems like it's very personal. And, you know, we all are not going to agree on everything and we can't take our personal opinions to your professional positions that are going to greatly affect all of us. You know we're all different. And I think that to be fair, Mr. Guzman has been out of all the Councilmembers here the most moderate. You know every time I come here, he best explains, he asks the toughest questions, you know, he dives deep into issues that I'm like oh. Like, I love coming and I always hope that he talks 'cause I learn so much, because he puts it into plain, you know, just a plain better understanding for all of us to really grab onto and, you know, form our own opinions, you know. You know, so I really have an issue with that.

Let's see. Again, I just want to say that I feel that Mr. Guzman has proved himself fit for the position of Vice-Chair, if not maybe even Council Chair. So I would hope you guys take that into consideration. Just looking at the General Election in 2016, Councilmember Elle Cochran, you know, gained the...had the most votes, like close to 31,000. Mr. Guzman followed a close second with 30,000-plus. I mean and, Mr. Mayor, you know, to put that into a better perspective, in 2014 the County of Maui voted in our mayoral race and both Elle Cochran and Don Guzman gathered more votes this past General Election than our Mayor did in 2014. I'm just saying that --

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it down. Keep it down.

MS. PUAA-FREITAS: --they're obviously loved and people appreciate the work that they're doing. So for him to be punished, I don't understand. I don't understand how he lost that position. Furthermore, his votes come from such a broad spectrum. He's a Councilmember from Kahului, but the votes, I like to look at all the different precincts. He gets...he got votes from such a wide variety of precincts throughout the County of Maui that, you know, we gotta look at that and we gotta wonder why this Vice-Chair position got pulled from him. I don't see anything professionally he's done wrong. So --

ACTING COUNTY CLERK: Four minutes.

MS. FREITAS: --if it is personal I just hope that we can put this behind us and let's move forward. Let's make a statement. You know there's been a lot of complaining and anger and emotion up here but, you know, I'm part of the young generation of Maui and I want you guys to set the example for us in, you know --

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Let her finish.

MS. FREITAS: --let us aspire to one day be in the chairs that you guys hold today. And just do it the right way, that's all I ask for.

And mahalo.

MEMBERS OF THE AUDIENCE APPLAUDS AND CHEERS

MAYOR ARAKAWA: Thank you.

Any questions? Councilmembers.

If not, thank you.

ACTING COUNTY CLERK: The next testifier is Barry Sultanoff, to be followed by Stephen Nollis [*sic*].

MAYOR ARAKAWA: So, Danny, we have five or six more?

ACTING COUNTY CLERK: Barry Sultanoff.

UNIDENTIFIED SPEAKER (from the audience): He had to leave.

MAYOR ARAKAWA: Barry's not here?

UNIDENTIFIED SPEAKER (from the audience): He left.

MAYOR ARAKAWA: Okay, Barry's gone.

ACTING COUNTY CLERK: Stephen Dorris.

MAYOR ARAKAWA: Stephen.

ACTING COUNTY CLERK: Stephen Dorris.

MAYOR ARAKAWA: Stephen Dorris here?

Okay, next.

ACTING COUNTY CLERK: Judy Eagle. Judy will be testifying on Resolution 17-1.

MS. JUDY EAGLE (testifying on Resolution Nos. 17-1, 17-2, and 17-11):

Thank you very much.

I'm from Wailuku. I'd like to wish new year aloha to our Mayor.

MAYOR ARAKAWA: Speak into the microphone.

MS. EAGLE: To our Mayor.

MAYOR ARAKAWA: Yeah, speak into the microphone. Yes.

MS. EAGLE: New year aloha to our Mayor, Council, the others present. Thank you for your patience today.

I'd like briefly also to speak to the other points, I believe they're 1, 2, 11, but it will not be much time. Thanks especially to Mayor Arakawa for his firm guidance over Maui democracy.

Huge thanks to ethical Council Chair Mike White for his generous indication of willingness to serve in a key role again, and that is an indication. Council Chair White's intelligence, incisive assistance to the public, the Mayor, not to mention Council, have been obvious. He makes tough decisions. He also relays some from others. To those who differ, please remember a time-honored saying, it is hard to build up something, it is easy to tear it down. For those who have actually attended Council meetings or seen them through attention, not emotion, many conclude that we would be incredibly fortunate to have Mike White serve as our future Mayor, not just Chair of Council.

We all welcome the new Councilmembers.

UNIDENTIFIED SPEAKER (from the audience): . . .*(inaudible)*. . .

MAYOR ARAKAWA: Keep it down.

MS. EAGLE: Mr. White when he steps forward will do that as always, fairly, respectfully, with conservation of the best in mannerly, strong Maui ways. A few here have spoken of business as usual. Fine, really. Things are in many ways great on this rainbow isle, we can surely agree. Decisions have not always been those all of us would take. Someone would like to...some of us would like to see the Mayor step forward to save our architectural heritage, to fire half of the County employees if they are rude, negligent, abrasive.

To those who also welcome Councilmembers, we hope they will agree Mr. White when he steps forward will do that. A few here have spoken honestly, bravely, emotionally. We would like also to see that these things happen smoothly. We ask you to help Chair White do that fast, with no delay. Most would surely like all Councils to step forward to rejuvenate Wailuku. Even one boarded-up storefront is too many. Former Councilmembers get applause for much of what they have done. We need them, particularly our experienced, our savvy Chair to go forward without fiddling while Maui, particularly Wailuku burns. When the County seat where Council sits displays several empty storefronts, this Council surely needs the continuity, the superhuman energy, experienced caring Mike White brings to move forward.

Some present have spoken of their tearfulness, their feelings, great. Yet what Maui also needs is brilliance, those who know how things work. That is what makes sense. It is not a conspiracy or a cabal or a violative of law for those who want a sensible transition to talk about that. Again, the decision happens now, not before. Acceptable public talk, not a backroom deal happened before. We need those who can talk to each other, who have done so to talk quickly. For instance, we hear much of the parking garage in the planning stage for years, wait for it. Merchants starve while some of us throw sand at Council decision making, more shockingly, at a truly dedicated public servant. The media have been clear that Mr. White's mention before today of his willingness to serve is customary, please go to *Maui News* plus *Maui Watch*. Please, please read facts. The measures Chair White plus Councilmembers have taken are customary. As Mike White makes clear in *Maui Watch*, Councilmembers have had advice. This is a matter for legal advice. Mike White is way bright, he has gotten advice. It is fluff to say that anybody has been snookered or bamboozled.

Some of our best, not to mention brightest have won election to be here to inform, not fool. As one put it many years ago, it is hard to underestimate the intelligence of the American people. Let us be better informed than those who cannot be underestimated. As others who are knowledgeable have said, it is now when Council moves forward to ratify sensible progress, not last month. This is when County administrative structure reaches a solid, action-ready stage.

Again, thank you, Chair Mike White, for moving forward with former and new Councilmembers. You have done so in a way which is reassuring, solid, honest, and legal the County attorneys may say. If those present have any question about this, they may want to consider that attorneys for the County review steps wisely taken to comply with law. As one speaker said, Mr. White has been a very fair, hardworking official. As she also suggested, we'd like to have the opportunity to discuss these subjects. We've done that here today. The only person who has not gotten to present facts, who is closest to the facts is Mike White. Talk about due process. In fairness, Mr. White ought to have gotten a chance to address the emotions, the feelings, lots of inaccuracies, some correct ones after each speaker. Here is hoping that 2017 brings him a real chance to present what is accurate.

Website quibbles, what, over 50 to $500 max. How do quibblers know whose bucks those were? Why not ask rather than pronounce? Further, we also agree Mr. Carroll as Vice-Chair will indeed be an excellent long-serving public servant. I'll go fast. Indeed, if it ain't broke, don't fix it. Folks, trust me, a juris doctor admitted to practice in three other states. Maui ain't broke, neither is Council, neither are Maui attorneys. The reason employees get escorted off premises is this, employees often steal, they break things, they can destroy a system.

MEMBERS OF THE AUDIENCE BOOS

MAYOR ARAKAWA: Hey, keep it quiet. Let her finish.

MS. EAGLE: I've done this for 40 years. It happens across the country exactly that way.

MAYOR ARAKAWA: Let her finish.

MS. EAGLE: We may not like it, it may not be touchy-feely but that's the reasons those things happen.

To close, huge thanks to those named here as well as others who have worked so hard to serve us. Thank you for observing the Sunshine Law that is having an open door for showing the transparency the law requires. Happy New Year, Mr. Mayor. Happy New Year, Council. Happy New Year especially to Chair White for the patience he has shown today so far totally without making a word of rebuttal. Aloha of course to all others who are here today.

Thank you.

MAYOR ARAKAWA: Thank you.

Any questions?

If not, thank you very much.

Next.

ACTING COUNTY CLERK: The next testifier is Paul Fenelon testifying on Resolutions 17-1 through 17-7, followed by John Grant.

MR. PAUL FENELON (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, 17-5, 17-6, and 17-7):

Good evening, Council, Mayor, fellow people. We're in this room at 6:10 in the evening almost.

MAYOR ARAKAWA: How many more, Danny?

MR. FENELON: Start of a new year. You know I see a lot of people come up here and they're pretty nervous when they need to be speaking. And I know it's out of comfort zone for a lot of people to be speaking publicly. And they've basically come up here to have the Council and the other elected individuals listen to what they have to say. We don't often get a chance to come up here and speak. A lot of people thank you guys for the time that allows us to be able to do this part of the process.

So what I am noticing though however is a lot of the non-verbal responses that are being unconsciously shouted out in this room, and it's pretty clear who is engaged and who is just sitting here taking up some space. And it's pretty clear when you walk into a room and you find out that somebody chewed up the slipper and you know which puppy did it. It's pretty obvious by their expression and how they comport themselves. We talk about decorum and we have to behave ourselves or we're going to take our ball and go away, and everyone is going to have to wait for us to come back. You know I'm waiting for the adults to show up. And what's really weird is I find out that I'm the one who's the adult that's showing up. And that's really kind of bizarre. 'Cause I look to a lot of who I thought were adults to do the right thing by the children, and I'm finding out that there aren't a whole lot of adults, not in the gallery, not sitting in some of these seats. There are a few but it's kind of frightening to me that we get along with situations where we can just choose to decide what we find is going to be convenient for us. And then when we have to have people, we call their name out so they pay attention and embarrass them because they're not paying

attention. It's pretty clear, it's pretty clear that emotions are running pretty high with the individuals who are taking their time to come up here and speak.

Now, I did request to speak on all of those, but I'm not going to take up my 15 or 17 minutes allotted me to share my time. And in the past when I have been up here to offer testimony, I've asked everybody just to be quiet for a moment, but I'm not going to put you through that this time. It was my three minutes and I chose to allow everyone to just listen to the silence, because there are a lot of things and people who cannot come up here, whether they're nervous or otherwise and speak their minds and their heart.

It's up to all of us to do the right thing. So the important thing is that at the end of the day and that may not be at midnight, that may be at 60 or 50, or 40 years of orbits that we get a chance to be at the end of the day. A lot of people call things like very, various languages use various words but there really shouldn't have to be something to define doing the right thing in any particular culture. I mean we all live on this one place and nobody gets to leave. Right. One canoe, well, that's this planet that we're on, if that's what it is. There's only one so we better stop infighting and we better start cooperating like interdependent adults. Okay. Because the children are going to be told to leave and in no uncertain terms, so it's up to you guys to make the right decision and to police each other to make that right decision. Because when you turn your back on your fellow man and these issues that are in front of us, it's treasonous, and at the end of the day you get to look and say did I do the right thing by my peers or by myself, or by my source if you want to keep it that way. The reality is, it's all up to us and it's all, the onus is individually on each one of us and we need to cooperate as a collective interdependent fashion or it's going to just fall apart. And if you're going to contribute to falling apart, get out of the way.

ACTING COUNTY CLERK: Four minutes.

MR. FENELON: Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for the testifier?

If not, thank you.

No questions?

Okay, thank you.

ACTING COUNTY CLERK: The next testifier is John Grant testifying on Resolution 17-1, to be followed by Blossom Feiteira.

MR. JOHN GRANT (testifying on Resolution No. 17-1):

Thank you for allowing me to express my First Amendment rights to free speech. I thank the Mayor very much for letting me do that.

I'm here to defend Mike White. It sounds crazy, huh? Mike's under a lot of pressure and he's showing it. He's shaking, his eyes are twitching, we need to back off a little bit. The man's under a lot of pressure. I understand why, he almost lost his election. He lost his district badly to a woman who had never been in politics before. He got...he saw this happen and he started thinking oh, I can't get my $4 million a year at the hotel can I if I lose my Chairmanship. So he freaked out. So let's malama him. Let's take care of him. He's under a lot of pressure.

I came to this country, America in the '50s. In the '60s I volunteered for the army, Vietnam War. I volunteered because I believed what I heard about this country when I was coming here. I believed all the things they told me back home. I came from a country that was overrun by bloody English and they acted just like you're acting, making decisions for me and my people that doesn't make any sense.

I joined your army, I volunteered, I was active in politics for 30 years. I was a state servant for 30 years in California, then I won the lottery which made it easy for me to come here. Winning the lottery makes a big difference. I'll spend that lottery to win this...to fix this. This is wrong what's going on here. You know it, you know it, and you know it.

Thank you. You're on your way out. Thank you.

MAYOR ARAKAWA: Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: Mr. Chair, the next...Mr. Mayor, the next testifier is Blossom Feiteira testifying on --

MAYOR ARAKAWA: Councilmembers...

ACTING COUNTY CLERK: --Resolution 17-1 through 17-5, to be followed by Olat [*sic*] --

MAYOR ARAKAWA: Hold on, Blossom.

ACTING COUNTY CLERK: --Behrendt.

MAYOR ARAKAWA: Councilmembers, it's quarter after 6:00 and I know you've been going or we've been going for over two hours. So do we need to take a short break?

COUNCILMEMBER CRIVELLO: Yes, Chair.

MAYOR ARAKAWA: Okay. Why don't we take a...five minutes enough? Okay, then we'll come back and we'll do the rest of the testifiers. Okay. Let's take a five-minute break so those who need to go to the bathroom...

COUNCILMEMBER KING: Can we allow miss, can we allow Blossom to testify first?

MS. BLOSSOM FEITEIRA (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

No, no, no. I mean no, absolutely. Just, we'll take a break and I'll come back.

MAYOR ARAKAWA: Yeah.

MS. BLOSSOM: 'Cause I want you guys fresh.

MEMBERS OF THE AUDIENCE LAUGH AND APPLAUD

MAYOR ARAKAWA: Okay, five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 6:15 P.M., AND WAS RECONVENED AT 6:24 P.M., WITH ALL MEMBERS PRESENT.)

MAYOR ARAKAWA: Okay, I'm going to call the meeting back to order.

Next testifier, Blossom.

MS. FEITEIRA: Okay, we all fresh now.

MEMBERS OF THE AUDIENCE LAUGH

MS. FEITEIRA: Aloha, Members of the newly seated County Council, Mayor. Thank you very much for the opportunity to stand before you to congratulate you on your win and to thank you for your service.

For the record, tonight, my name is Blossom Feiteira. I, while I wear many hats in the community, the one that I'm using to testifying tonight is that born and bred, kanaka maoli from Maui.

Mr. White, I going tita out on you, I'm sorry. You catching cracks, yeah, today? What's up with that? You know I'm sitting in the audience and I'm hearing all of the manao from the community that came out in force today to question the validity of the decisions that were being made prior to this meeting. And there were many requests asking for a delay in the process, a hooponopono, you know, we all gotta get together, we gotta work for the betterment of the community. Well, unfortunately, our laws don't allow us to do that. Okay. When you do hooponopono, you have to be able to open it up to everybody. Okay. 'Cause you are elected representatives, Chapter 92. And there may be some information that you have within you that you don't want everybody to know. And that is only correct.

The second part that I wanted to bring up is that when we talk about the delays, the County Charter says that you must organize January 2nd. Today is a State holiday, yet we're here, okay, not because we want to be but because the Charter mandates that you organize today. Your agenda has ten resolutions, I'm here to testify on the first five. And I'm here to say that I would support Resolutions 1 through 4 because it is an organizing mechanism and it needs to get done. If we are not happy with the way Mr. White organized it, by all means, bring the resolution to the floor, make a motion to amend, second that motion, and discuss it, and change it. But do not not do it. You must organize today.

In terms of 17-05, again, same thing, it's a resolution, amend it. If we are not happy with the number of committee members on those committees, we are not happy with the membership and the way they're set up, then by all means, nine of you have the opportunity to change that today but you must do it today. Okay.

So with all due respect, the work that you guys have in front of you this coming two years is monumental. You know we've heard some of the issues today in testimony. And I can tell you this, it's one thing to say that we need a good Chair, but all of you need to decide who that Chair is going to be. You all answer to us. Your Chair answers to you. You have to choose. And I can tell you right now from the community perspective, you're going to need somebody bold, strong, and oftentimes hard, and be willing to make those hard choices and hard decisions. Because after all, you represent all of us, whether we're the makaainana on the beach or sitting in the corporate office in downtown Honolulu. Okay. That's who you represent. And you must be fair, equal, and unbiased in your decision making. And so I ask all of

you today, take this agenda, take care of business. And let's get this done 'cause we got a lot of work to do.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for Blossom?

COUNCILMEMBER KING: I have a question.

MAYOR ARAKAWA: Hold it. Come on back.

COUNCILMEMBER KING: Sorry, Blossom.

MAYOR ARAKAWA: Councilmember King.

COUNCILMEMBER KING: So I just wanted to clarify that so you're testifying in favor of us completing the agenda but not necessarily of the names that are set in the agenda?

MS. FEITEIRA: Correct.

COUNCILMEMBER KING: Okay.

MS. FEITEIRA: The agenda is the agenda. Okay.

COUNCILMEMBER KING: Okay.

MS. FEITEIRA: And they're full of resolutions. There's nothing to say within the rules that you have to accept the agenda as is.

COUNCILMEMBER KING: Right.

MS. FEITEIRA: Parliamentary procedures require that you be allowed to amend with a second. There's no reason why you cannot do that. To say that we're going to delay, that we need to do all this other stuff is in violation of the County Charter. You have to do that today so let's get to it. Let's take care of business.

COUNCILMEMBER KING: Okay, thank you. I just wanted to clarify because in the past, you know, looking at the previous agenda for the previous Council, the first resolution was electing the Chair of the Council. Today it says electing Mike White as Chair of the Council and there's...

MS. FEITEIRA: That is correct. And...

COUNCILMEMBER KING: So the names that are put in there, so when you testify in favor of that item, then you are testifying in favor of that person.

MS. FEITEIRA: Oh, I absolutely...

COUNCILMEMBER KING: So just to make clarification.

MS. FEITEIRA: First of all, let me clarify. I do absolutely support Mr. Mike White as Chair. Okay. Let's get that out of the way. However, there are those that may disagree with me and, you know, that's all good. I respect you for that. If you don't agree with me, change it. You have the right and obligation to do so.

COUNCILMEMBER KING: Okay, thank you.

MS. FEITEIRA: Okay.

COUNCILMEMBER KING: Thanks for the clarification.

MS. FEITEIRA: Sure.

MAYOR ARAKAWA: Any other questions?

If not, thank you, Blossom.

ACTING COUNTY CLERK: The next testifier is Olat [*sic*] Behrendt testifying on Resolutions 17-1 through 17-9, to be followed by John Fitzpatrick.

MR. OLAF BEHRENDT (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, and 17-9):

Aloha kakou, Councilmembers, Mayor.

My name's Olaf. Coco Lafo is my nickname. I'm into growing food most of the time, and I came here to express my wondering how this is going to be handled in the future, these matters of secrecy, intransparency, old-school, behind-doors banana republic ways of dealing with issues of let's say about 150,000 people. Obviously the people are very interested to know what is actually going on now, are you going to vote all the nine of you or not. And I believe I'm not allowed to ask that question, but

it would be nice if somebody would ask me so we could clarify that. That would be a little trick.

MEMBERS OF THE AUDIENCE LAUGH

MR. BEHRENDT: The other thing is that I cannot believe that in nowadays in this modern times where everybody in this world is going for clarity, transparency--said again--and decentralizing, decentralization of government, that you are reducing the number of committee members of the most important issues of this tiny, little island. I mean I'm active with this water issues since more than 20 years that I'm on this island, and that's one of the biggest one. And you like the other girl said, you reduce the members of making decisions to five people. This is just one of the things that have been said but really old school should be over now and really start a new ways of doing things with these new faces that I really congratulate for your victories. And you still in the minority but things are going to change, why not starting now?

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions?

If not, thank you.

ACTING COUNTY CLERK: The next testifier is John Fitzpatrick testifying on Resolution 17-1, to be followed by Bobbie Patnode.

MR. JOHN FITZPATRICK (testifying on Resolution No. 17-1, 17-5, and 17-9):

Aloha, County Council. Aloha, Mayor. It is really nice to see all of your beautiful faces this morning. Happy New Year. Or I mean this afternoon.

MAYOR ARAKAWA: This evening.

MR. FITZPATRICK: This evening. Thank you, guys. Happy New Year. And it's really great to see Yuki and Kelly King, and Alika Atay joining the Council and having a little shakeup of the Council. And I'm excited and optimistic about what you guys are going to do and how you're going to lead in the coming two years. And I'm also excited to see people that ran for office in the last election here probably running again in the next two years, so I'm really excited to see you guys here as well.

So first off, I'd like to testify on 17-1 which would be electing Mike White as Chair. And I have voted for Mike White in the past, but at this time, I feel that it's time to move to a different Chair. Like previous testifiers said, we're kind of baffled why Don Guzman was taken out of the Vice-Chair position without any reasoning. All right. I feel that a better Chair and Vice-Chair would be Don Guzman and Elle Cochran. So I would support both Don Guzman and Elle Cochran as Chair and Vice-Chair.

In the past, Council, they voted to make people or make it so people got $15 an hour, or a resolution to give people to $15 an hour, because both of them feel that people on Maui shouldn't work 40 hours and live in poverty. And they were the only two in the last Council to push that resolution forward and vote for it. Also, that's one of the big positions of Bernie Sanders, and he's pushing for a $15 minimum wage. We need leaders in our Council that are willing to fight for regular working class people, and they showed time in and time out that they are willing to fight for us, and so I have their back. So I hope that this Council make an amendment to No. 1 and put those two in those seats because that'll be a really refreshing thing to do.

Secondly, I'd like to nominate Elle Cochran for the Chair of Housing, because I know her staff have been working nonstop trying to figure out ways to bring affordable housing here and make sure that people aren't homeless. They've looked at models from around the country. Sorry. They've looked at models from around the country in order to do that. Some include low-income housing project in Front Street so that's on Lahaina where Elle represents, tiny homes, building affordable houses, and other acquisitions. All right.

I would also like to testify on 17-5, all right, which establishes the standing committees of the Council, defining their duties, and appointing their members. I too believe that a council of five is too...or that committee members of five is too small. I would like it to be put back to seven. I also disagree with the, what looks like to be gerrymandering of the committees where they don't have a proper proportion of the five-four in each one. So it looks like although some of the Ohana members may have a Council Chair position or a committee chair position, they will be outnumbered when it comes to a vote by the other side. So I think by bringing that seven forward it'll balance everything out.

And lastly, I'd like to testify on 17-9. And I'm just, I don't know too much about it, but I would like you guys to investigate on the people that were fired right before Christmas and see why they were fired. And see what the causes or the reasoning for them being fired is. And make it right.

So with that, Happy New Year, and thank you guys so much for standing up to the plate and running for office. And good job on your wins. And I look forward to working with you in the next two years. So let's get it done. Aloha.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for the testifier?

Thank you, John.

COUNCILMEMBER ATAY: Can I address --

MAYOR ARAKAWA: Hold on.

COUNCILMEMBER ATAY: --John?

MAYOR ARAKAWA: John, hold on.

Councilmember Atay.

COUNCILMEMBER ATAY: I wanted to make a point of matter in regards to 17-9 and your request. I think out of respect to the staff or the employees and to the general public that we need to understand that we need to respect that, their privacy. And so I had hoped that, you know, we'll have a session, executive session and get in the back there and address 17-9 and try to understand the status of those employees.

MR. FITZPATRICK: Okay, cool. Thank you, Uncle Alika.

MAYOR ARAKAWA: Yeah, but it cannot be done publicly.

CORPORATION COUNSEL: Chair. Seventeen-nine speaks to the appointment of Council Services staff.

MAYOR ARAKAWA: Staff.

CORPORATION COUNSEL: It does not address the separation of previous employees. Point of clarification.

MAYOR ARAKAWA: Okay.

Bobbie.

MS. BOBBIE PATNODE (testifying on Resolution No. 17-5):

Hi. Aloha.

My name is Bobbie Patnode, and I know all of you. You know that I have been the or one of the moderators of the Ag Working Group for the last three and a half years. So I, tonight I have a specific actionable suggestion regarding where ag is in the committees. Right now it's proposed to be with Policy and Economic Development, and this is nothing personal, Yuki Lei, but I think that's a very big committee. And my experience in the Ag Working Group has been that Don Guzman has been the Chair of the Ag and he's had a heck of a lot on his plate. He's had two committees, plus Vice-Chair, and when you have that much going on with the Chair, I felt like our ag issues did not get as much air time as I would have liked. We didn't get brought to committee. Bills that we were interested in didn't get written or proposed. So my suggestion for the Council is that we put ag with water. And in hindsight, I would have liked to see that maybe happen in the last Council term as well. So I would like to see that. You know if you don't have water, you don't have ag. So they go together very nicely. And I think Mr. Atay knows something about ag.

And I would also like to see that we make that committee bigger, because it's only listed right now with five. And one of the things I would like to say is let's put Don Guzman into that committee, because if we don't have Don somewhere near ag, we lose the collective knowledge that we have built up over the last three and a half years with the Ag Working Group. That group works very hard. I don't know if everybody knows but we have representatives from Farm Union and Farm Bureau, cattlemen, flower growers, big farms, little farms, conventional, organic, everybody is represented in that group and we're there to help the Council. So I would like to see a continuation of the knowledge and experience with Mr. Guzman brought into a committee that has ag in it.

So just to repeat, let's put ag and water together, and let's make that a bigger committee. That's all.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for testifier?

No questions, thank you, Bobbie.

ACTING COUNTY CLERK: The next testifier is Ren Fernandez testifying on Resolutions 1 through 5, to be followed by Kawika Crivello.

MS. REN FERNANDEZ (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

Aloha.

My name is Ren Fernandez, and I don't have a lot of titles or anything, I'm just a farmer. And I wasn't even going to testify but after hearing all this stuff it's just like, you know what, there's a structure. There's a structure for a reason. And when people are allowed to make actions that are outside of that structure, it's a really slippery slope. The integrity of that structure is what's at stake here. And I really, you know, you can't mess with that integrity.

Another thing is, you know, I see where this is going and it's really not good. And I can tell you I haven't been on Maui for long, I'm from Corpus Christi, Texas. And about a month ago, my whole family got a notice to not drink the water and that you can't even boil it 'cause even boiling it, it's not going to help. And it's because all the development and all the companies that have been allowed to come in and take part. You know that used to be my home. I was a little young one and I used to love waking up in the mornings and going out to the end of my road. And I could see all the fields, you know, all the corn or cotton fields depending on the season. And it just, you know, it was my life, it was beautiful. And now I go home and there's factories everywhere. I can't take a breath of air without smelling it, and that's not my home anymore and I left, and I'm here now. And I actually came to Maui for the first time in September. And I moved here permanently in October, because I said this is it. I said look at what's going on here. There's agriculture, you know, the way of life still exists here where people care about the soil, they care about the land, they care about things that don't make money, you know. And it's important to maintain that.

So, you know, another thing I'd like to point out is a lot of people have said that they respect that, Mr. White, you've held your composure throughout this all, but it's easy to hold your composure when you're looking at your phone the whole time, you know. Now I'm not trying to be, you know, give any cracks or anything like that, but I'm just saying there's something really big at stake here, and if actions like this are allowed to take root, that's...your way of life is slipping away.

I cannot go back home without seeing how my family, you know, their health has declined. I see, you know, my young vibrant mother who's now this elderly woman with diabetes and with, you know, all these health problems. And not just her but my family and all of our friends in that whole surrounding area. And I'd just like to caution against what could possibly happen here.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions for the testifier?

Ren. Ren. Ren. Hold on. Councilmember Guzman wants to ask you a question.

You did, right?

COUNCILMEMBER GUZMAN: Yeah, yeah.

MS. FERNANDEZ: Yes, sir?

MAYOR ARAKAWA: Okay.

COUNCILMEMBER GUZMAN: So, Ren, how was the...I know you're the second class for the Farm Mentoring Program.

MS. FERNANDEZ: Yes, sir.

COUNCILMEMBER GUZMAN: How's that going?

MS. FERNANDEZ: It's going really well. It's, respectfully, you know, there's a lot of focus being put on agriculture right now, because there's a three-year deadline, you know, for the Governor. He says he wants to increase food production on Maui 60 to 70 percent in three years. Can it happen? Yeah, absolutely, but it was kind of weird, you know, we went that night and we had you there, Mayor, to speak, and it was a little bit disheartening that, you know, the message was like hey, farming is hard. It's hard. I was like well, you know, it's innovative these days and we could do it, and it absolutely can be done. So with programs like that going and just with the focus that everybody's giving ag these days, it's beautiful. But it's not one of those things that we can put off. It has to be focused on now. Everybody here, you know, I came to the Iao Valley meeting...

COUNCILMEMBER GUZMAN: Okay, thank you.

MS. FERNANDEZ: Oh, all right. Not going to keep going but ag is where it's at. Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

ACTING COUNTY CLERK: The next testifier is Kawika Crivello testifying on Resolution 17-1, to be followed by Mikel Gosney.

MR. KAWIKA CRIVELLO (testifying on Resolution No. 17-1):

Aloha, Mayor. Aloha, Council.

My name is Kawika Crivello. Just flew in this morning in support of each and every one of you, and not just my mother.

As far as Mike White, my support for you, it's not that of just my mom, it's the times that I've shared with you and face to face, and man to man. I honor you as being a trustworthy person, and I say this looking in your eyes. And you have my respect and my utmost respect. And that goes for each and every one of you here on the Council seat.

When you look at the demographic and the different winners of this year's election, you see it's a microcosm of the community being divided, and I say this being in the heart of the community as far as Molokai. I mean if it was the other way around, you would have a different demographic here just as much protesting the same thing.

What I'm here to say is no mind me, I'm kind of in a frequency, I just flew in from Molokai with a family that have lost loved ones that were at our family's home looking for a lost plane. And I'm sitting across not three feet away from a mother who's asking and begging me to help me and my family to look for their child. I'm in that frequency of aloha and forgiveness.

I just returned from a Hokulea trip, the many voyages that I've had and three days coming home I'm taking down a young man from a tree who took his life and tried to breathe life back into him. I'm in that frequency of forgiveness and aloha. I'm in that frequency. That was Hokulea. Before, and I'll use that microcosm, before you pull anchors and go on your voyage, and each and every one of you need to look at each other and trust in aloha. And you're a microcosm as leadership of us. And I learned that from my mother. My mother's going to need you, Alika, you're going to need my mother. Elle, you're going to need Guzman. You're going to need...everyone here is going to need each other, and before you pull that anchor, there is rough waters ahead, no question. But we trust you and bringing us together in this next two years, this voyage is not going to be smooth. And there are times when you're going to come across storms. And it's too late to look at each other and say do you have my back? And in the Hokulea when we go on our voyages, I have your back. I am willing to risk my life for you, and that is an understanding that each and every one of

us--as analogy I use and I only speak of what I know--that truly come together. And the building the relationship with yourselves, it's going to fall in place. Hemo the ego, let go of it. Yeah. And I speak with aloha. And a hui hou. Love you, mom. And it was you that taught me the very foundation of this aloha. A hui hou.

MAYOR ARAKAWA: Thank you, Kawika.

Any questions?

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Thank you.

ACTING COUNTY CLERK: The next testifier is Mikel Gosney testifying on Resolutions 17-1 through 17-5, to be followed by Evan Dust.

MR. MIKEL GOSNEY (testifying on Resolution Nos. 17-1, 17-2, 17-3, 17-4, and 17-5):

Good evening, Council, Mayor. It's good to see all these faces up here. Fresh faces, Alika, Yuki, Kelly, excited to see you all here.

I'm speaking on Resolution 17-1. I'm disappointed. I'm greatly disappointed. I have voted for Mike White in years past, and I withheld that vote this year because I felt that he was not the better candidate and it is turning out to be that way. I'm disappointed at the lack of transparency. Some 150 years ago, HC&S started planting sugar cane. Hawaii was colonized by white men. They've held power, they've owned land, a great majority of land. As a white person here in Maui, I understand the importance of being able to listen, listen to the native population, listen to the people that are here that came before me. I don't have all the answers. And I'm hoping that we too can listen to each other. You've held Council Chair for the last two years, and I'm sure you've done a great job. I haven't followed you too closely. But it's time to give up the power. Listen to everyone who's been saying enough, we don't want you here leading us, you're not a good leader. Take a step back.

I do think that Elle Cochran has served on this Council for long enough. It would be amazing to have a powerful woman as a leader. Have Don Guzman as Vice-Chair again. Smart, intelligent dude. We have two white people on the Council, and both of them are now going to be holding positions of power and leadership. Why?

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any questions, Councilmembers?

If not, thank you.

ACTING COUNTY CLERK: The last individual who has signed up to provide testimony this evening is Evan Dust testifying on Resolution 17-1.

MAYOR ARAKAWA: Danny, can you check with the Molokai, Lanai, and Hana --

ACTING COUNTY CLERK: As soon as he's done.

MAYOR ARAKAWA: --right after this? Okay.

If there's anybody else that wants to testify, please sign up now; otherwise, this is our last testifier.

Evan, go ahead.

MR. EVAN DUST (testifying on Resolution No. 17-1):

Honorable Mayor, Members of the Council.

For the record, my name is Evan Dust. I'm speaking this evening as an individual regarding Council Resolution 17-1.

I didn't plan to speak. I was moved by the testimony I heard this afternoon and this evening. I'm not going to repeat much of it, because I respectfully disagree with most of it. If the citizens of Maui do not like the way Council elects its Chair and sets its committees then they need to change the Charter to give you the time to take that under consideration. You have a mandated directive to make this decision today. You must make this decision today.

What we have heard and what we have observed is a direct result of that system. You are not going to be able to have organization occur --

. . .*(music plays)*. . .

MR. DUST: --immediately upon...

MAYOR ARAKAWA: Hold on. Hold on.

Danny, get rid of that.

MR. DUST: Thank you for the musical interlude.

You're not going to be able to have organization take place if--with all the newly elected Members of County Council--if the very first day they're sworn in, they've got to make the decision. But you have to make the decision because that's what the Charter says.

Overall, I'm disappointed by the tone of some of the testimony that I've heard. It grieves me to see good public officials elected by the citizens of this County vilified by other citizens of the County. It grieves me so. I would like to make sure that nobody leaves this Chamber feeling that there was any sort of nefarious plot or Machiavellian machinations by Members of this Council to come to whatever decision you come to tonight.

You know truly if Mike White wanted to hide his intentions he wouldn't have published it several months before this very date. And with that fact, I close.

MAYOR ARAKAWA: Thank you.

Any questions from Councilmembers?

Is there anyone else in the audience that has not testified that wants to testify?

You're up. Be sure you fill in the form afterwards. Go ahead and testify.

MS. RITA MASSEY (testifying on Resolution No. 17-1):

Aloha, Members of the Council, Mr. Mayor. Congratulations on your elections.

MAYOR ARAKAWA: And please identify yourself since I don't have it.

MS. MASSEY: My name is Rita Massey. I've been living here on the island of Maui now for over four years.

I'm really feeling very saddened and disappointed by what's been revealed here today. I understand and in speaking to the last gentleman in a way to what he had to

say about having to come to the decision and be, having forethought about when you come here what you want to do. But the way in which it was done and the way that it was presented as a done deal that on the agenda it is that we are going to elect Mike White as Chair, not that we are going to choose a Chair. So there's the sense that we're not going to hear deliberations from the Council as a unit for the first time to make these decisions, that it's already been done behind closed doors basically. And that to me does not sit well. It doesn't sit right. And I've had a lot of good esteem for Mr. White, and I'm just feeling very disappointed in you right now.

That's all I have to say. Thank you.

MAYOR ARAKAWA: Okay, thank you.

Any questions?

If not, please fill out the form.

Is somebody still in the back, Sandy? Okay.

Is there anyone else that has not testified that wants to testify? If not, can we find out if there's anybody left in the outlying County offices?

ACTING COUNTY CLERK: Mr. Mayor, Molokai, Lanai, and Hana have no one wanting to provide testimony today.

MAYOR ARAKAWA: Okay, thank you very much.

Then at this time with no one further to testify, can I get a motion to close testimony?

COUNCILMEMBER HOKAMA:

SO MOVED.

MAYOR ARAKAWA: Second?

COUNCILMEMBER WHITE:

SECOND.

MAYOR ARAKAWA: It's been moved by Councilmember Hokama, second by Councilmember White to close testimony. All those in favor, say "aye."

AYES: COUNCILMEMBERS ATAY, CARROLL, COCHRAN, CRIVELLO, KING, GUZMAN, HOKAMA, SUGIMURA, AND WHITE.

MAYOR ARAKAWA: Opposed?

NOES: NONE.

MAYOR ARAKAWA: Motion carried.

Now, it is just about seven o'clock, so we have a couple of options that we need to iron out. We can take about an hour break and go to, have dinner and then come back, or we can try and work through this for a little bit and then take a break, have dinner, and come back. But we do have to go through the agenda items on the, for this meeting. And for all of you Councilmembers, the, there's reasons why we have to go through the agenda. First of all, you won't be able to pay any of your employees until we actually come to a decision, because you won't know what the allocations and how you're going to be able to pay each of the employees, as well as what your office budgets are going to be. As well as all of the Council Service staff will not be appointed. So you'll have no employees in Council Service staff that can be paid. So there are many aspects of this from a practical standpoint that reasons why we have the agendized items. And then to all of the items that are being referred to the different committees on the agenda, you have to be able to refer them to the different committees on the agenda for them to become active, to be able to be placed in future committees for this upcoming term. So there's quite a few things that we have to go through. Again, I can do it one of two ways. We can take about an hour's recess to have dinner if that be your choice, and then come back in about an hour. Or we can take part of this and go through it. But I would recommend that if you're going to have much discussion then we should probably take a dinner break first and then come back in let's say an hour fifteen minutes. What is your pleasure?

COUNCILMEMBER CRIVELLO: One hour is sufficient.

MAYOR ARAKAWA: One hour? Okay. Then I'm going to recess this meeting 'till eight o'clock.

ACTING COUNTY CLERK: Mr. Mayor. Mr. Mayor.

MAYOR ARAKAWA: Yes?

ACTING COUNTY CLERK: For the record, we are in receipt of written --

MAYOR ARAKAWA: Oh, excuse me.

ACTING COUNTY CLERK: --testimonies as well.

MAYOR ARAKAWA: Okay. We do have written testimony. Can I have a motion to accept the written testimony?

COUNCILMEMBER SUGIMURA:

SO MOVED.

MAYOR ARAKAWA: Okay, it's been moved. Second?

COUNCILMEMBER CRIVELLO:

SECOND.

MAYOR ARAKAWA: Okay, it's been moved by Yuki Lei and second by Stacy to...

COUNCILMEMBER KING: Can you just, for the public can you declare how many people have sent in written testimony?

MAYOR ARAKAWA: County Clerk, how many testifiers, testimonies do we have?

COUNCILMEMBER KING: Aside from those who also appeared in person.

MAYOR ARAKAWA: Yeah, we have the testimony, so --

COUNCILMEMBER KING: Yeah. Some of them were...

MAYOR ARAKAWA: --we can find it fairly quick.

COUNCILMEMBER KING: Some of them, I...some of the testimony I have written were people who actually came here as well, so I just want to know how many additional.

MAYOR ARAKAWA: I think what you've got is what we've got.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER KING: No, what I'm and saying is some of the written testimony that I have here --

MAYOR ARAKAWA: Right.

COUNCILMEMBER KING: --were people who also came and spoke, so I just wonder how many additional besides who spoke to us.

ACTING COUNTY CLERK: We're in receipt of 11 testimonies this afternoon.

COUNCILMEMBER KING: Okay, thank you.

MAYOR ARAKAWA: I'm not sure how many actually sent testimony in and spoke as well.

COUNCILMEMBER KING: Yeah, I think there were at least two.

MAYOR ARAKAWA: So...okay, so 11. Okay, all those in favor of accepting the testimony, please say "aye."

AYES: COUNCILMEMBERS ATAY, CARROLL, COCHRAN, CRIVELLO, KING, GUZMAN, HOKAMA, SUGIMURA, AND WHITE.

NOES: NONE.

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

1. Lawrence N. Koss;
2. Linda Puppolo;
3. Eric Poulsen;
4. Sunny Savage-Luskin;
5. Carmie Spellman;
6. James R. Smith;
7. Jen Fordyce;
8. Ann Pitcaithley; and
9. Jerry Riverstone.

MAYOR ARAKAWA: Thank you very much.

Then we are in recess 'till eight o'clock. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:02 P.M., AND WAS RECONVENED AT 8:03 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER SUGIMURA, EXCUSED.)

MAYOR ARAKAWA: We have quorum so I'm going to call the meeting to order, and then I'm going to recess for another five minutes while they make copies to come over.

(THE MEETING WAS RECESSED BY THE CHAIR AT 8:03 P.M., AND WAS RECONVENED AT 8:08 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER SUGIMURA, EXCUSED.)

MAYOR ARAKAWA: Okay I'm going to call the meeting back to order because we have quorum.

(Councilmember Sugimura returned to the meeting at 8:08 p.m.)

MAYOR ARAKAWA: We're now going to move to the agenda items. And by Charter, we have four items that we need to address this evening: the election of the Council Chair, the election of the Vice-Chair, the election of the Presiding Officer Pro Tem for the Council, and adoption of the Rules of the Council. Corporation Counsel, can you confirm this with the Charter?

CORPORATION COUNSEL: Chair, Section 3-5 of the Charter delineates the procedure on the initial meeting, and it does in fact verify, Chair, that the items you identified are accurate.

MAYOR ARAKAWA: Okay, that being said, I will move on to agenda item 17-1 which reads Electing Mike White as Chair of the Council.

RESOLUTION
NO. 17-1

ELECTING MIKE WHITE AS THE
CHAIR OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable Mike White be and is hereby elected Chair of the Council of the County of Maui for the term commencing January 2, 2017, twelve o'clock meridian, and terminating January 2, 2019, twelve o'clock meridian.

MAYOR ARAKAWA: Do I have a motion?

Mr. Carroll. Councilmember Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17-1, "ELECTING MIKE WHITE COUNCIL...AS THE CHAIR OF THE COUNCIL."

MAYOR ARAKAWA: Is there a second?

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

MAYOR ARAKAWA: Councilmember Hokama.

COUNCILMEMBER CRIVELLO: Oh, Mr. Hokama.

MAYOR ARAKAWA: It's been moved and seconded to elect White, Mike White as Chair of the Council. Are there any amendments that will be offered?

COUNCILMEMBER CARROLL: Chair. I would ask that the --

MAYOR ARAKAWA: Oh, excuse me.

COUNCILMEMBER CARROLL: --Clerk read the resolution in its entirety.

MAYOR ARAKAWA: Clerk, could you read the resolution in its entirety?

(The resolution was read in its entirety.)

MAYOR ARAKAWA: Okay. Again, are there any amendments that wish to be offered?

COUNCILMEMBER GUZMAN: Chair. Just a note.

MAYOR ARAKAWA: Councilmember.

COUNCILMEMBER GUZMAN: Amendments can happen during discussion as well.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER GUZMAN: Thank you.

MAYOR ARAKAWA: If there's no amendments then I'd like to have discussion.

Councilmember Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I will just keep it really short because there's already been a lot of discussion on the floor. I would respectfully ask my fellow Councilmembers to support this resolution. I think it is the appropriate action.

Thank you.

MAYOR ARAKAWA: Is there any other discussion?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: Mr. Mayor, thank you.

I have been privileged to serve many years on this Council, on various Councils. And I was privileged to serve two terms as its Chair. I can tell you that being a Chair is very demanding, especially regarding administrative and management skills. It's more than just being a legislator, a Councilmember. It also takes the ability to run an operation and that is why there is a slight pay differential for the Chairman with that added administrative responsibilities that is placed by the body on its Chairman that it elects. For me, watching over the many years of being around this building giving service, not everyone can be a Chair. And so my point this evening to my colleagues is that for me, from an administrative standpoint, from a managerial standpoint, Mr. Mayor, I still believe that Mr. White is the best equipped to lead us forward in the new term. Many things he has been accused of and again, at the appropriate venue, I hope we have the opportunity to share some of our comments. But I can tell you that in my experience while not all things are very transparent, especially personnel issues and the privacy of those individuals involved, I would say that I am, have no issue supporting Mr. White at this time.

MAYOR ARAKAWA: Okay, thank you.

Any other comments?

Councilmember Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mayor.

I'd like to take this opportunity although I would first of all would like to have us, you know, resolve this. We've heard much testimony and like Mr. Hokama I hope we will be able to do some clarification and be able to deliberate further. This is my...my first term we did organizing, my second term we did organizing, my third term we're doing organizing again. And some of my colleagues were a part of the organizing that took place early on. But I have nothing but the highest regard and highest respect for Mr. White. I can appreciate what Mr. Dust testified that it's too bad that the tone of testimony was so filled with animosity. Until you are into the whirlwind of things, you can appreciate the kind of administrative leadership that we've received from Mr. White. And I'd like to at this time say thank you, Mr. White.

MAYOR ARAKAWA: Thank you.

Anyone else want to comment?

If there's no comments, I'm going to...

COUNCILMEMBER GUZMAN: Chair.

MAYOR ARAKAWA: Councilmember Guzman.

COUNCILMEMBER GUZMAN: Thank you.

Yes, I've had the opportunity to serve with Mr. White as his Vice-Chair. We've gone through one term together and during that time period we've established a bond and a relationship. And many times we were opposed to your Administration and a lot of times, Chair, we battled it out. But at...the way I see it, we need to start a functionality of this Council and the Administration. We need to stop fighting and work on projects that are valuable to our community. And maybe our, those days are gone now. We shouldn't be battling each other, we should be looking at compromise and looking at things that we can do to better the, our community.

You know my experience as being a Member of this Council and just like Ms. Crivello, Mayor, we've gone through at least two organizations. And I still don't understand the whole concept of minority versus majority because especially that concept of majority and minority at the County Council level. You can see that it's probably useful at the State Legislation when you have Democrats and Republicans,

a Democrat majority leader, a Republican whip. You even see the gridlock of majority versus minority in the Federal government based off of Democrats and Republicans.

Now a few years ago during Linda Lingle's time and I think you were around as well, Mayor, the Charter was amended to do away with partisan politics. So what defines a minority and majority at the Council level? Is it just based off of a disagreement of who's going to be Chair and if that person gets five committed votes, the other four are left to be punished without any type of committee or chairmanship? It's not based off of any merit system, who's doing a good job. It's based on a popular vote and who can acquire the most committed votes prior to January 2nd. It's easy to be part of the majority, Mayor, to just go along. It's hard to be part of the minority and say look, we've got to change the system, the people deserve transparency. We are elected as officials to produce that transparency, not backroom deals like we've done in the past. I was a part of all that, the two other organizations but things are changing, Mayor. We've got to be upfront with the people. The people demand better. I'm tired of playing the game. The people are tired of seeing the game. And it hurts the perception of this Council and the integrity.

Yeah, the problem with...I see it as Mr. White, he has been a good leader and even he's been...he's a good man. But every good man can make bad choices. And lately he's faced some of the consequences because the people are reaching...are reacting to bad decisions he has made. His role as a leader comes with big responsibilities and accountability. Bad choices of a higher powered individual can lead to injustice and violation of other people's rights too. And the general public is just clamoring for honesty and good government. By the people and for the people, that's what we took an oath for this morning, and a true leader will listen, unite, and find ways to reach out to the different members of the community.

Circumventing the OSC [*sic*] hiring policy by bringing in someone who hasn't followed through with the hiring practices, basically having an interview process, having a pool of applicants going through a written exam. These are things that are guiding the way that integrity is set forth in every department, and it shouldn't be excluded in the Council Services. As well as the termination of Council Service staff, where was the authorization of that? According to the Rules of the Council and part of the Charter, specifically in the Charter, only the full Council can terminate or appoint Council Service staff. And so why do we then bring in someone that is being appointed into the staff, and that basically relates or brings out the perception that politics is involved? Council Services was designed to be independent of politics. Now if we bring in someone without using the proper hiring processes, does that person now owe an allegiance or an alliance to those who hired him or brought him in without any hiring process? I think it's unfair and it could lead to other challenges from the public.

The creation of a Council website with the official logo to spread tabloid and hearsay rhetoric about his own Members. I have remained silent publicly. Yeah, I hear and their conversations but remained silently publicly. Mr. White took it upon himself to post this tabloid-ish response about Ms. Cochran and myself. And I may note that in his rebuttal statements in, on that posted website, he uses third-party hearsay, while in fact he had a direct conversation with me, he had a direct conversation with Ms. Cochran but never puts any of those statements directly, direct evidence or direct statements from either myself or Ms. Cochran. He puts a spin on it. And so I am compelled at this very moment to disclose what my side of the story because every story has two sides.

Election comes on, it was the next morning, we had a hard-fought election. Stayed up late, late at night, the next morning report to work, and in that very instance, Chair White's making his rounds meeting with each one of us in our offices asking us about organization. He met with me. We talked about my concern was the budget, the budget process and making sure that the new Ohana candidates that were coming in had an opportunity to be part of this. By the time he left my office, I had already committed myself to his, to him being a Chairman. Not less than 16...not less than eight hours later, he had met...well, prior to that he had met with Ms. Cochran. I don't know what was said but I had heard that she was in agreement as well. A few...six, seven, eight hours later we see this...I meet with him again and he's already removed me from Vice-Chair position. It doesn't matter to me. But what matters to me is the intent behind it. He was so fearful of this whole Ohana Coalition coming in, he didn't take the time to sit back and try to use diplomacy and negotiate, and compromise, and collaborate. He did it within 48 hours, not based on any merit, not based on nothing except for I believe he was fearful of what was going to happen if he lost control.

And I want to make it straight and forward, I respected Mr. White for almost two years, but what he has been doing is almost resembling the persona of him being the general manager of this Council. I am not an employee of a hotel. I am an elected official with every other benefit and right to be part of the discussion table. And for him to throw me out like that, it may not be personal but...it may seem personal, but to me it affects the community as a whole, because I believe that I do good work. And by taking me off these committees and by putting me in the minority is a, it's disservice to the community. There has to be a better way of doing this, more collaboration. We need to heal. You gotta build bridges, not put up fences. These new Members deserve a right to be part of this.

It's easy to be part of the majority. It's hard to be part of the minority because the minority will always seek what is against the stream. And that's what we've heard

today, Mayor, we've heard the community come out and say look, we want transparency, we deserve transparency. So God will it, if this has to change the law for all counties, all county councils to be more transparent, it's a blessing. It's a blessing to me. It's okay, throw me to...give me no committee, I'll still be a Councilmember, I'll still work as hard. It doesn't matter to me. But what matters to me is how we serve the people and the perception of installing the integrity back into this Council and into government itself.

Mike White, we can heal this. We can amend this. We have a history together. We've...it's almost like we fought in Vietnam together a lot of times when we were going up against you, Mayor. But I think those days are gone, we need to start working together. And so no matter who gets this Chairmanship, I will work hard for the betterment of this community. And I hope we can heal all this. And I'm hopeful for it.

But what is the best blessing of all, the people came out and I'm so thankful for that, that they took a part. They realized that things need to change, Mayor. Things need to change. Our community deserves transparency. Those good ole boy days, backroom doors days are gone. We've gotta do it for the future of our children because we are the example. We on this Council are the example. If we don't follow our own rules then how do we expect the public to follow the law? We are the example. We represent the people and we serve the people. The Chair's position is supposed to always accommodate our positions, back us up, make sure that we're okay.

It is not kiss the ring, and I won't tolerate that. I'll fight all the way through if I've got to kiss his ring every day on this Council. Step back, Mike White. Step back, realize that you gotta be more humble 'cause humility is a sign of great leadership. Our heavenly father Jesus Christ was the most, person with the most humility, and if you have a Christian heart, you would forgive. Even within seven to eight hours, if you felt that I was betraying you, sit back, let's talk this over, don't take the hard line 'cause you're always taking the hard line. Things need to compromise. Hard lines are not acceptable now, it isn't a fight. But hard lines are no way to bring this Council together.

So I thank you, Chair. I know that this was harsh words, and I know Mike White would say I was getting a little bit huffy, but you know what, I appreciate that. And I've appreciated his friendship. I've appreciated his guidance. But like I said, every good man sometimes makes bad decisions, and at this time, I cannot support my friend Mike White for this position of Chair. There's too much at stake. Too much perception has gone out. The fruit of the poisonous tree is tainted.

Thank you, Chair.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: Okay, calm down, you guys.

Councilmembers.

Elle.

COUNCILMEMBER COCHRAN: Thank you very much, Mayor.

And I completely agree with Councilman Guzman's words just now. And I'll share my side. Yeah, I was taken aback by that supposedly looking official website. And it had been third-party hearsay words put on there in reference to me. And as Mr. Guzman, I have been silent. I have not been wanting to buy into this drama, to all this stuff, because I want to stay positive, I want to take the higher ground on all this. But I'm standing in the truth. I'm standing in what's pono for the people, because that is why I'm here as a public servant to this community.

So my experience has been election night, next...and then I approached Mike White, I went to Mike White's office, it was about 5:30 in the evening because there was an event going on, it was 5:15 or so ish, he had to be at the event at 5:30. And I went in and I said, you know, hearing the stirrings of an organizing which happens every, you know, beginning of the term, why does it need to be this way I said? Why can we not have it a different experience for the...especially the new incoming Council. I've been here, this is my fourth term. Twice been shut out of organizing, last term, yes. And it's not a good feeling to be given scraps or just dictated to what you're getting, not being asked, not being brought into the fold of decision making but just being told. You know I'm okay, I can still work hard, I can still do the job of the people. But I thought you know what, it's not a good feeling. In fact it really sucks. And so why do we need to put the new Members through this? I said this to Mike White. He hasn't stated this but I'm telling everybody right now, this is what happened. And he nodded, yeah, Elle, you know, you're right. I know, let's make sure that we're, you know, Sunshine and let's see how we can figure that out.

That very next morning that press release came out, Chair of the Council, who's Vice-Chair, who's Budget Chair. So while he's nodding at me and going...smiling and saying yeah, yeah, you're right, it should be done differently, this and that, it was a done deal. So he was lying straight to my face. As I'm walking out the door, he's stabbing me in the back because that press release had already gone to *The Maui News*, obviously. This is in the evening. It doesn't just happen that morning when

you put in an article. So that's where that bad taste was left and my total distress had started. Because I'll tell you what, when I walked in that door, I was very supportive of Mr. White being Chair at that time, and it just, after that incident, it all fell apart. And then all of a sudden, I'm seeing all kinds of stuff on social media, in the paper, couple complaints coming down.

You know with these outstanding pending investigations, complaints, litigation, whatever is occurring, how can this Council in clear conscious make a, the decision to actually vote someone who has these things hanging over his head? I can't. I'm not gonna. I think it's wrong. I don't think it's the right thing to do at this time.

And, you know, for the few, past few days, I've been really delving into this book, *Fixing America's Shattered Politics* by Mr. Alan Duff. And he came to visit and I'm not sure if all the other Members had gotten a book from him, but I met with him, he gave me this book. I read it through from cover to cover, and I'll tell you what, it is explaining exactly what's going down here at this Council. It's happening across the nation. People are sick and tired. People want to take back their government, and that is what today is about. So I am on the side of the people. We forget why we're here it seems. We are here, we're public servants, and we have a constituency, and the voters got each and every one of us in our seats. And that's who we are beholden to, that is who we work for. It's not one another, it's not being indebted to deals to one another, because that's what's going on. That's what's always been going on.

And I'll tell you, the last organizing I was threatened by that Chair at that time. I didn't feel it was becoming of a Chair to treat other fellow Councilmembers this way. So I felt better to have a new person at the helm like Mr. White. And I'll tell you, I have been very, very pleased, but until that night after election, no more. That trust, that confidence is completely gone out the window. And I believe there's...I've got a laundry list of things and Mr. Guzman has mentioned a lot of them, the OCS things that have occurred and these complaints coming down. I cannot in clear conscious be here to vote in favor of Mr. White at this time. I do thank him for the work he has done thus far.

And it's just, you know, I'll read this. A government by secrecy benefits no one. It injures the people it seeks to serve. It damages its own integrity and operation. It breeds distrust, dampens the fervor of its citizens, and mocks their loyalty. This is a quote from Senator Russell B. Long, and I...it, just it encapsulates the sentiments of I feel the testifiers that have taken their time, energy, and effort today for hours to share with us. And I'll tell you, it's not made up. There are lies that have been spun out there, and I'm not going to sit here and not defend myself against it, because they're flat-out lies and I, it's totally wrong.

So, Chair, Mr. Mayor, that's all I have to say at this time, but I believe we can have a second round.

COUNCILMEMBER GUZMAN: Mayor.

MAYOR ARAKAWA: Thank you.

COUNCILMEMBER GUZMAN: I...thank you.

MAYOR ARAKAWA: Yuki, do you want to say something?

COUNCILMEMBER GUZMAN: Chair.

COUNCILMEMBER SUGIMURA: I do.

MAYOR ARAKAWA: We'll get back to you.

COUNCILMEMBER SUGIMURA: Thank you, Don. Thank you, Mayor.

So I want to just say that I support Mike White to be our Chair. And I'm listening to Don and I'm listening to Elle and probably the questions that I have been sitting here with is those are your recollections of what happened. I wasn't there. But I wonder where the people who came here tonight which are our constituents who really care about the community, how did they get this wrong information or how did they get this information, right? So if it didn't come from both of you, where did this come from? I mean it's...I've been seeing things on Facebook and social media, and people have been really riled by having to feel like they would have to come and testify their feelings, because they're thinking that a wrong was done. And based upon what our Corp. Counsel has said from Office of Informational [*sic*] Practices and the Corp. Counsel decision on organizing, it doesn't appear that anything was done wrong. But a lot of these people feel that it was.

UNIDENTIFIED SPEAKER (from the audience): Seriously?

COUNCILMEMBER SUGIMURA: Yes, I believe this seriously.

And although I appreciate hearing from everybody, I stand that I support Mike White to be our Chair. And I'm grateful for the work that he's done in the community, as well as the work that he's done to help many of our residents and really have fought in our behalf.

Thank you.

MAYOR ARAKAWA: Thank you.

Any other...

COUNCILMEMBER ATAY: Mayor.

MAYOR ARAKAWA: Councilmember Atay.

COUNCILMEMBER ATAY: Yes.

MAYOR ARAKAWA: I'll get back to you after we're done, let everybody speak.

Go ahead.

COUNCILMEMBER ATAY: I sit here after hearing hours of testimony from our constituents and I think tallied up something like three or four in support, one neutral, and a greater majority recommending no. I cannot support the first and the second of this resolution primarily because of my personal experience. You know throughout the campaign, I honor and respect all the candidates, and then at the election results, I honor and respect the results. And so I honored and respected the position of Mike White, of his previous work serving the community, his tedious work representing us as Chairman. And so I too accepted the victory of his gain. And I too wanted to respect his position. I was a great supporter of the Chairman, and I was...up until the announcement, without being considered, without being communicated with, without...not being involved, I went oh wow, how did this happen? Was there an illegal Sunshine Law violation occurring without any kind of involvement? And so I, you know, I questioned that. How did that announcement, that press release come out and saying that Mike White is the Chairman and Bob Carroll is the Vice-Chairman without any involvement?

When in the last week, I had a chance to come to the County Building and prepare, I was still, you know, still excited about taking on this new position. And I saw the comments that Mike White gave about we being, trying to be prudent and must be prudent in watching the expenditures of our public funds. And he kind of indicated not going to be in support of the 12 or so percent raises for the directors. But at the same breath, in that same breath, he allows expenditures by moving office furnitures and office telephones and office computer equipment for what? So I went to his office and I asked him, can you tell me the business reason of why we need to move office furnitures and move offices? In the past, you would inherit an outgoing Councilmember in Wailuku. He goes out, I go in, I sit in the furniture. We don't need

to hire any movers. We don't need to incur expenses from the public funds. And so when I asked him that, I said why do you move my furniture across the building over to the old office of Don Couch and then move Don Couch's furnitures across the building and over to Gladys Baisa's, and then move Gladys Baisa's furniture across the hallway into Mike Victorino's Office? What is the business reason to that? And I must commend Mike White for giving me my very first lesson of County process, County government politics. He looked at me and he said it's politics. And I asked him once again, what is the business reason? And that was what he shares with me. Right there I said duly noted.

But you know what, I see this resolution, I cannot support. And then part of my mind is going well, there's pending investigations. What's going to happen if you're sitting as Chair and negative results come from these pending investigations, then what? How do we replace or how do we decide a new Chairman? So for me, the easiest position right now is I do not support this resolution versus the first and the second of appointing Mike White as the Chairman.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Kelly, you haven't spoken yet.

COUNCILMEMBER KING: I haven't. I have to say that I'm not very happy but...to have to say this, but I agree with my colleagues who spoke before me. When I look for a leader and I thought I saw this, I look for fairness, I look for support of all Councilmembers and empowerment of all Councilmembers. Because when every Councilmember succeeds, the County succeeds, and the community succeeds. I look for someone who can rise above what they perceive as personal attacks and still be fair. I look for professionalism, for wisdom and balance in all the decision making, and someone who's going to unite the Council, not tear it apart.

I, and I had this conversation with Mr. White and told him that I was very disappointed, because what happened with his decisions was that the Council was basically separated into two parts. And there's a majority of supporters for Mike White and then there's a minority of who he perceives as his ... supporters. It's been blatantly evident in all these decisions, in the lack of our input for OCS positions that have been terminated, in the lack of input even in those that are hired. I had to go and ask for a resume for two very important positions that had already been hired that I'm going to be asked to approve at this meeting. And without being...asking for that, I would not have gotten those resumes. And I was told we don't need a resume, we know who he is. I mean this is the whole basis of cronyism that the community is coming out and fighting against and rallying against, because we want professionalism in our operations.

We've seen this, the committee proposals. The four of us who are perceived as the minority have, had no input into that. We saw that when it came out for the general public. I know there were others that were supporters of Mike White who got that draft ahead of time and were able to input into it. I know there's a County Charter ordinance that prohibits negotiating appointments for votes, and I believe that may be another violation. It makes me sorry...it makes me really sad to hear my colleague say that all of the 70-plus people who came out and testified against 17-1 are wrong and got wrong information. Because there's more going on than just the question of whether or not the Sunshine Law was violated. To me, that question has to do more...less with talking to people about who has support than it does to actually who took a vote before. And when you publish something in the paper it's because you know you have the votes, so you theoretically, if not on paper, you've taken a vote already. And you put that in the paper and you declare that this is how it's going to be. I mean no, I'm looking at the previous agenda from two years ago and it says elect, 15-1, Electing the Chair of the Council. This one says Electing Mike White as the Chair of the Council. Fifteen dash two, Electing the Vice-Chair of the Council. This one says 17-2, Electing Robert Carroll as the Vice-Chair of the Council. Don't tell me that these decisions haven't already been made, they're in writing on the agenda. So the discussion here...

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Keep it quiet and let Kelly speak.

COUNCILMEMBER KING: The discussion here is almost moot and it makes me really sad. Because now I see my colleagues are backing that up by indeed following through on the vote that they took before.

I'm feeling like I need to step back and protect what's happening in OC...in the Office of Council Services, because there's some very good people there that are not being reappointed, that were terminated before the end of the year which I was told by our own legal people in Corp...in Council Services that it takes six votes to terminate. Now I know that the, that technically they were terminated with pay to the end of the year, but the fact is that they were taken out of service. They were not available there for the last two or three weeks of service to the sitting Councilmembers who elected them to serve for those two years. So regardless of whether you pay them or not, they were taken out of their offices, they were not allowed to even take any papers home to work with. And they were not available to serve the sitting Councilmembers. And those Councilmembers were not consulted. And there was certainly no vote.

So there are some things that I think have been violated. There's some big questions. I don't think that this Council can come together under these circumstances, keeping this as this four-five vote. I really think that the only way to heal this Council is to look for a Chair and a Vice-Chair from each of the perceived sides. I mean I think if we're going to come together, we've got to stop looking at ourselves as a majority and a minority, and we have to look at ourselves as nine individual Councilmembers and respect the vote of all of us as nine Councilmembers that we all have to represent the community. That we can't do that with this what I'm just going to come out and say is a lame appointment of Council...of committee memberships. To me, the committees don't even make sense the way they're calculated. It almost looks to me like other Members were asked what do you want, and those subjects were thrown into one committee. The...I've always believed as a business tenet that form should follow function, and the first thing that we should do is look at what are functional committees, what will help the Council do the work of the community. Regardless of who chairs it, regardless of who's on it, and then you look at populating those committees. And that's not happening.

I...there's so many things that we look for in good leadership. And I've seen this happen. This is not my first dog and pony show. I spent four years on the State Board of Education and I saw two terms of leadership happen, and I know people called up and they asked for support for leadership. They don't publish it ahead of time, I've never seen that happen. And they come together afterwards and they're fair to every councilmember. And they are inclusive to every councilmember if they want to have a successful term. I don't know why that didn't happen. It's a grave disappointment.

And I've talked to Mr. White directly, this is not an ambush. I've talked to Mr. White directly and told him of my disappointment, because I did feel like in the past you...he had been a fair and diligent Councilmember. And so I was one of the ones who was looking forward to supporting that Chairmanship, but when I see the things that have happened with the proposals that have come out, with zero input from four of the nine Councilmembers, I cannot support this Chairmanship. I think we need to find somebody fair and above board who's going to...who's not going to take things personally, who's not going to dole out appointments accordingly to who supported them but is going to dole out...is going to help arrange appointments with people according to their expertise and according to the best, what will best serve the community. That's what I'm looking for. I don't...I'm very sorry to say that I don't see that in Mr. White.

And I'm sorry that...I'm very sorry to the public if your opinion is not respected. Because when I see nearly 80 people come out and only 4 of them are dissenting

from the general message, I think we're doing a real disrespect to the public by not paying attention to that.

It goes way beyond the one issue of the Sunshine Law. There are so many things. I mean I haven't even looked at the website issue. I know that's another issue that's come out. I've been trying myself to stay away from Facebook and social media during the last month, and especially during the last few weeks with all the attacks going back and forth. And all I'm looking at is the facts. So, you know, you can be hard and fast in your opinion and say that everybody else is wrong, but the facts are the facts. I mean you look at the agenda for today versus the agenda for two years ago. You look at the committee structure. One of my colleagues told me that two years ago when the committees were assigned, the chairs got to pick their vice-chairs and that everybody got input into what committees they wanted to serve on. And when I mentioned that to Mr. White, he said well, we're not doing it that way this time, I'm just making a decision. That's a grave disservice to the community. So no, I cannot support 17-1, and I will be very interested to hear Mr. White's, you know, point of view on this issue.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Any other comments?

COUNCILMEMBER GUZMAN: Chair.

MAYOR ARAKAWA: Councilmember Guzman.

COUNCILMEMBER GUZMAN: Thank you, Mayor.

I just wanted to add in one more thing, just relating to Councilmember Kelly King. Unilateral decisions, that's what we're talking about here. And when I met with Chair White the second time, I literally asked him to reconsider his position about icing out the Ohana Coalition elected Members, including myself. But I wanted to make it a point that he, Chair White spoke to my family and he questioned the reason why I was being endorsed by the Ohana Coalition. And this is coming from my wife so I'm not going to say that she's a liar when he spoke to my wife asking her why I was part of the Ohana Coalition. Let the record reflect that I was not only endorsed by the Ohana Coalition, I was also the Sierra Club, Hawaii State AFLU-CIO [*sic*], Hawaii Carpenters Union, Hawaii Fire Fighters Association, IBEW Local, Maui Contractors Association --

MEMBERS OF THE AUDIENCE APPLAUD

COUNCILMEMBER GUZMAN: --Hawaii Regional Council of Carpenters, HGEA, UPW, ILWU, Maui Chamber of Commerce, Maui Hotel Lodging and Association, SHOPO, Hawaii and Maui Island Labor Alliance. He put me there because he was basically afraid of what was going on. He panicked. If he had only taken two days off after the election. That's fear and that's not good leadership.

Thank you, Chair.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Are there any other comments?

Keep it down.

Any other comments?

COUNCILMEMBER COCHRAN: Yeah. Chair. Mayor.

Thank you.

MAYOR ARAKAWA: Okay, Councilmember Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mayor.

And, you know, Yuki Lei brought up a point that was brought up during...it was the OIP opinion. And I guess I...Chair, is there a way to get clarification from Mr. Wong in regards? And I think there's a whole stack of paperwork that was disbursed out on the table out front.

MAYOR ARAKAWA: Yeah, I left the opinion there so people could read it.

COUNCILMEMBER COCHRAN: And it went through all I think the different years I guess relating to organizing on Councils throughout the different years. Is that kind of what that was summarizing in those handouts? And you were getting words from which particular handout at the, this morning when you were kind of explaining --

CORPORATION COUNSEL: Chair.

COUNCILMEMBER COCHRAN: --that what the Sunshine Law questioning is...or not true or...

CORPORATION COUNSEL: Chair.

MAYOR ARAKAWA: Can you let Corp. Counsel answer?

CORPORATION COUNSEL: If you want me to respond, Chair.

COUNCILMEMBER COCHRAN: Thanks.

CORPORATION COUNSEL: Attached to the packet is OIP Opinion Letter No. 2-11. It's a letter dated November 14, 2002.

COUNCILMEMBER COCHRAN: Okay.

CORPORATION COUNSEL: Also attached is a November 25, 1998 letter from the Department of the Corporation Counsel...Corporation Counsel J.P. Schmidt to Honorable Patrick Kawano, Council Chair. There's also a memo to J.P. Schmidt from Patrick Kawano dated November 16, 1998. Then there's a letter from the Department of Corporation Counsel, April 12, 1999, from Corporation Counsel James Takayesu to Patrick Kawano, Council Chair. There's also a Council letterhead, letter dated April 9, 1999, from Council Chair Kawano attached. That's the extent of all the attachments. What you heard me read from is the OIP Opinion Letter No. 2-11. There's various places throughout the letter that I read directly from.

COUNCILMEMBER COCHRAN: Can you...do you recall the section? Because I believe you left out some sentences from it, that's why I'm trying to go back.

CORPORATION COUNSEL: Yeah, I didn't...if you don't mind, I did not read the entirety because I said it's 15 pages.

COUNCILMEMBER COCHRAN: No, just that one paragraph. I think there was a sentence you left out.

CORPORATION COUNSEL: Yeah, I started with "ISSUE PRESENTED" which was on the first page, whether Members of the County Council are subject to Part 1 of Chapter 92, Hawaii Revised Statutes, Sunshine Law prior to officially taking office when they meet to discuss selection of officers. Short brief answer, no. I did not read the analysis in that. If you want I can read that. I also did not read the applicable facts. You heard a testifier earlier testify that the underlying facts of the particular matter may be a instructive. I did not read the facts in that matter. I can read the facts in that matter if you wish. I did skip the references to questions that were posed to Kauai County, to City and County of Honolulu, the County --

COUNCILMEMBER COCHRAN: Yeah, thank you.

CORPORATION COUNSEL: --of Maui.

COUNCILMEMBER COCHRAN: But no, so if I can...Mr. Mayor.

If we look at Page 2, so you, brief answer and you just said no.

CORPORATION COUNSEL: Correct.

COUNCILMEMBER COCHRAN: So I'm going to look at this, basically the first paragraph on Page 2, middle of that. Based on this clear provision, the OIP opines that less than a quorum of a board may meet privately and without limitation or subsequent reporting to discuss selection of board officers, regardless of whether or not board members have officially taken office. I believe you mentioned that part. But here's the part that you left out.

CORPORATION COUNSEL: That was in the conclusion.

COUNCILMEMBER COCHRAN: Whether board members have officially taken office is irrelevant, so long as the meeting is restricted to less than the member...less than the number of members that would constitute a quorum. Then the next paragraph down below where there's actually bold words, italicized. In the middle of that paragraph, therefore the reasons set forth below, the OIP strongly recommends--that's where it's black and really large print there--strongly recommends that a quorum of members-elect of a board not assemble privately prior to the officially taking office--like today--to discuss selection of board officers, in keeping with the spirit of the Sunshine Law. So that whole part was not even mentioned this morning. It was basically you said it's all okay, yeah, they can convene and...but, you know, I think those parts that were left out is quite important. So I wanted it stated on the record.

CORPORATION COUNSEL: That's fine.

COUNCILMEMBER COCHRAN: And, you know, I believe that it says...

CORPORATION COUNSEL: If you want, I can read the --

COUNCILMEMBER COCHRAN: It says quite a bit.

CORPORATION COUNSEL: --entire thing. I referred it into the record.

COUNCILMEMBER COCHRAN: No, it's okay. I don't want 15 pages of reading.

UNIDENTIFIED SPEAKER (from the audience): No, just the parts that are important to the public.

CORPORATION COUNSEL: You mean like...

MAYOR ARAKAWA: You are not to speak now. This is the Councilmembers' time to be able to question.

COUNCILMEMBER COCHRAN: So and also, Mr. Mayor and Mr. Wong, I believe you were saying, you're quoting from the 1998, Mr. Schmidt. You're referencing 1998 I believe or 1999, I'm not sure, there's two papers here from Corporation Counsel.

CORPORATION COUNSEL: It was...

COUNCILMEMBER COCHRAN: And you were saying as is, even with pending investigation going on currently this stands because this, since 1998. But it looks like the 2002 opine would supersede the 1998 that you were quoting earlier. So I'm just wanting to know currently as stands like you were saying earlier, it's not 1998, it ought to be the 2002 which I just read which says strongly recommends not doing what was, what had occurred basically. We just...

CORPORATION COUNSEL: Okay. Essentially, the opinions that started in 1998, 1999, and then in 2002, I did not quote anything from the previous Corp. Counsel opinions. I did suggest that the opinions remain relevant and binding as there has been no case law and no further OIP opinion that varies from any of that. The conclusions is what's important and that's what I read to you verbatim. If you want to read the entire thing then read the entire thing. You can sit here and read the whole thing into the record. The conclusion is as I read to you.

COUNCILMEMBER COCHRAN: Well...

CORPORATION COUNSEL: So you're welcome to read the strongly recommends. That's certainly perfectly fine.

COUNCILMEMBER COCHRAN: Yeah, I think that was quite key and that's why I read it into the record.

CORPORATION COUNSEL: Well, what's --

COUNCILMEMBER COCHRAN: So...

CORPORATION COUNSEL: --what's key is whether or not the Sunshine Law was violated under the fact pattern. And the fact pattern on this OIP decision applies today. I'll read you the facts.

COUNCILMEMBER COCHRAN: No, it's okay. Thank you. Thank you.

But I...there is a pending investigation and a complaint ongoing right now with OIP which that needs to be solved and vetted, and done.

CORPORATION COUNSEL: And until that occurs --

COUNCILMEMBER COCHRAN: And it...

CORPORATION COUNSEL: --this is what we...

COUNCILMEMBER COCHRAN: But until that occurs I cannot recommend the person that's on this agenda to be voted in as Chair.

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CORPORATION COUNSEL: That's...

COUNCILMEMBER COCHRAN: Because of that pending.

MAYOR ARAKAWA: Keep it down.

COUNCILMEMBER COCHRAN: And this clearly states what had occurred is not right.

CORPORATION COUNSEL: Member --

COUNCILMEMBER COCHRAN: As every testifier today mentioned.

CORPORATION COUNSEL: --Member Cochran...

COUNCILMEMBER COCHRAN: That's just my take, Chair. And...

CORPORATION COUNSEL: Speak with your vote.

COUNCILMEMBER COCHRAN: That's right.

CORPORATION COUNSEL: You're welcome to do that.

COUNCILMEMBER COCHRAN: That's right. So but I just want to clear things up here with how you...

MAYOR ARAKAWA: Anybody can file a court case or anybody can file a complaint.

COUNCILMEMBER COCHRAN: Yeah, that's right.

MAYOR ARAKAWA: It's only if it's actually acted on --

COUNCILMEMBER GUZMAN: Chair. Chair.

MAYOR ARAKAWA: --that you get an interpretation.

COUNCILMEMBER GUZMAN: Point of order. Yeah.

MAYOR ARAKAWA: Yes, I the Chair.

COUNCILMEMBER GUZMAN: You're...

MAYOR ARAKAWA: I have the order.

COUNCILMEMBER GUZMAN: Yes, are you the...

MAYOR ARAKAWA: Are you going to say that I cannot speak?

COUNCILMEMBER GUZMAN: Yes. I just say that if you're going to give a legal opinion or a legal basis, I would rather you refer to Mr. Wong instead of stating it so on the record.

Thank you.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER GUZMAN: Okay.

Chair, I'd like to make a motion...

MAYOR ARAKAWA: Corp. Counsel, would you like to...

COUNCILMEMBER GUZMAN: I think he's already said enough.

MAYOR ARAKAWA: I'm basically saying what he said.

COUNCILMEMBER GUZMAN: I think we...yeah, exactly.

SO, CHAIR, I'D LIKE TO MAKE AN AMENDMENT TO THE RESOLUTION 17-1 TITLED, "ELECTING MIKE WHITE AS THE CHAIR OF THE COUNCIL." I'D LIKE TO AMEND THE RESOLUTION BY REPLACING MIKE WHITE, THE NAME OF MIKE WHITE WITH BOB CARROLL. THAT IS MY MOTION TO AMEND.

MAYOR ARAKAWA: Is there a second?

COUNCILMEMBER COCHRAN:

MR. CHAIR, I'LL SECOND THAT MOTION.

MAYOR ARAKAWA: Okay, it's been moved and seconded.

Any other discussion?

COUNCILMEMBER GUZMAN: I think that Mr. Carroll is the proper person that can lead this Council, and it would be very...I think he would have the support of the community. We need a clean slate. We need to reset. And I think Mr. Carroll's the person that could lead this Council in listening to all the community's concerns. And he has a broad spectrum of backing. And he listens. And I think he would respect each of our positions. So I would support Bob Carroll as Chair of this Council.

MAYOR ARAKAWA: Okay. Any other discussion?

Councilmember Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mayor.

And yes, I seconded that motion because I do highly recommend and support Mr. Carroll--so if he accepts--to be Chair. For one thing, he has been around a long time. He's paid his dues as a public servant to this community. And, you know, Mr. White has had his day in the sunshine, Mr. Hokama, yourself, and others. And I just feel that Mr. Carroll as stated by Mr. Guzman is very fair, open minded, and willing to listen. There has been a perception of this Council as being underhanded, backdoor dealing. I mean you name it, we've heard it all day. There is a perception. And I believe and you heard people suggest Mr. Carroll today also. So I think it

would be...there's been a trust that's been broken and Mr. Carroll I think can bridge or patch, or, you know, smooth over of sorts this division that's been occurring here with...and within ourselves, for the public, and within OCS. You've...Ms. King stated a lot of concerns that's been happening there.

Morale is at an all-time low, Mayor, and that is not conducive or positive for any of us. It doesn't...it's just our work just cannot flow. I mean people are afraid to speak out on the 7th floor for fear of what had occurred to a couple other people during the holidays. And that's not right. We shouldn't be here working at all hours and times, and during holidays to be afraid, to sit in your seats knowing that you're pouring your heart and soul into this job for the community, to better...for future generations and not knowing if you're going to be told to pack your bags and get walking. 'Cause that is what occurred.

I think Mr. Carroll, people would be more open and willing to speak to him. I was taken aback by an OCS staff who told me that this person has not been spoken to in two years. Two years the Chair has not walked through the cubicles, has not walked through downstairs saying hi, good morning, how are you, is everything okay, anything you need?

MAYOR ARAKAWA: If you're going to speak, speak to the motion --

COUNCILMEMBER COCHRAN: And so --

MAYOR ARAKAWA: --Elle.

COUNCILMEMBER COCHRAN: --I'm...

MAYOR ARAKAWA: You know the rules. Speak to the motion.

COUNCILMEMBER COCHRAN: And so this is, I'm countering why Bob Carroll would be a better person versus the past Chair. And Mr. Carroll has been very professional I feel. He's a man of few words but I'll tell you, when he speaks those words come out very strong, very heartfelt and passionate, and with a lot of knowledge behind it. And he's definitely a gentleman. So I want to commend Mr. Carroll for his greatness, and I think there's a lot of support unanimously in this community. And again, I want to...I want everyone to remember that we are public servants for the community and why we are sitting here today.

Thank you, Chair.

MAYOR ARAKAWA: Thank you.

Any other comments?

Bob.

COUNCILMEMBER CARROLL: Thank you, Chair.

I appreciate the remarks. And I would say that any position I do, Chair or Vice-Chair, or anything else, I would always conduct myself in the highest manner. But it comes down to the point where I need to vote for myself and that I have a problem with though. If I was going to be Chair, I would need the support of all the Members of this Council or at least the majority without my vote because I think that's important. Otherwise, I would still...I won't vote for myself. It would have to be all the other Members would consign. So I will not support the motion.

Thank you. But thank you all for your support. And if I was elected I promise you I will do the best I can. But I will not vote for myself. I don't think it's appropriate --

COUNCILMEMBER KING: Mr. Mayor.

COUNCILMEMBER CARROLL: --I don't think it would be the right action.

MAYOR ARAKAWA: You're done, Bob?

Councilmember King.

COUNCILMEMBER KING: Thank you.

I'm a little confused about not...I understand you asking for more support than just four people plus yourself. I'm not sure by saying you don't support the motion, you're still saying that you would accept it if you had the support. And I just want to, I want to speak to the motion and thank Mr. Carroll for considering that, and again, reiterate how important it is to bring this Council together and for egotism to step aside and for people to step up who can do that, because I believe that you can do that. I believe you're one of the few people on this Council, Mr. Carroll, who can bring us all together, who can rise above and be fair. The actions of tit for tat and punishment when, for lack of support have no business in today's Council. And those of us who were elected...and I want to...I kind of take issue with Mr. Guzman's characterization of the Ohana Coalition, because it's really...I think one of the testifiers said earlier that it wasn't a coalition, it was a candidate slate. And those of us who were supported...and I was, you know, personally not supported before the primary but then my name was added after.

MAYOR ARAKAWA: Councilmember King...

COUNCILMEMBER KING: So what I want to say is that...

MAYOR ARAKAWA: Councilmember King --

COUNCILMEMBER KING: Yeah?

MAYOR ARAKAWA: --speak to the motion.

COUNCILMEMBER KING: I am speaking to the motion --

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: --Mr. Mayor. I'm talking about healing and I'm talking about bringing the community together. And it's not just on this Council, it's in the community. It's the people who are perceived as the good ole boys and the people who are perceived as this ohana, as a coalition. It's not a coalition of rabble-rousers, it's a community of people who want change and want this community to work together and to be whole. And they want to see us working for the good of the community, not working to get what we individually want or need as far as power or control.

So I just want to thank you, thank Mr. Carroll for at least considering and giving us a chance, giving us as a Council a chance to give you support. I'm hoping that you will get the extra vote you're looking for, because I see it as an opportunity to do what the kahu has told us, you know, we should do when we had the moment with her as a Council and talked about moving towards, you know, lightness and hope, and doing things out of love and not out of hate, and not out of fear, and not out of the need to control, that we need to come together. If we can heal the Council, we can...I think we can heal the community. And I also think that a lot of the kind of the back-story issues will dissipate if we can do something like this, if we can show...if we can all rise above and show that we're not so married in our idea of control, and we got the committee that we want so we're going to stick with the leader who promised that to us. I think that stuff is dead and gone. And maybe we won't get the votes and maybe it won't happen this time, maybe it'll take two more years, but I would love to see that happen today. And I would love for us to come out of here in unity as friends and not as a gang of five and a minority of four. So I fully support the motion. I urge my colleagues to help us heal this Council, to let cooler heads prevail, and let's get on with the business of electing a Councilmember who treats everybody equally and with fairness.

Thank you.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Are there any other comments?

Stacy.

COUNCILMEMBER CRIVELLO: Thank you.

I think I heard Mr. Carroll say if he doesn't have everyone's vote, he's not interested. But, you know, I hear healing, I've heard the word hooponopono, I've heard the word ho`ihi. But there seems to be no respect for the motion that's before us. There seems to be in my opinion and the perception that I have with lots of animosity towards Mr. White. And so when we talk healing, what are we talking about? What are we talking about when we're said healing? Hooponopono belongs in your immediate ohana, not something that's business. Kukakuka, yeah, we could do that. But I don't understand if Mr. Carroll is making a statement, I think we need to hear from him truly what he intends to do or wants to do with this amendment that is before us.

COUNCILMEMBER KING: He said it.

COUNCILMEMBER CRIVELLO: And I wish he would add more clarity to what he expects or does he agree with this amendment. I guess that's my question.

MAYOR ARAKAWA: Any other comments?

Councilmember Carroll, do you wish to comment?

COUNCILMEMBER CARROLL: Thank you, Chair.

I have never been one to talk about myself or talk long. Every Member of this Council knows that. I've never been one to make false promises. I've always tried to do the right thing by everyone. I've said and I will repeat before, give details of what I would do now is...that's ludicrous. I mean that's just not going to happen. It's...every election I've made the same promise, that I will do the very best I can. That's it. I will do the very best I can. Promises are easily broken. You make promises, things change. You promise somebody something and something else comes up that changes the whole situation and you have to change your vote. I do not make promises except that I will do the very possible best I can. And again, I will

not vote for myself. I made the motion originally for Mr. White. I said I thought that was the appropriate vote. I wish to serve. But again, I am not going to vote for myself because I feel that otherwise it's just flipping over to your gang of five or whatever you want to call it to the other side, and I don't think that's appropriate. I know that probably is not satisfying anyone with what I've said but it is the truth. That's all I have to say.

Thank you.

MAYOR ARAKAWA: Thank you, Councilmember.

Any other comments?

COUNCILMEMBER COCHRAN: Chair. Mr. Mayor.

I guess the question right now for Mr. Carroll is did he even vote for himself for this election to get in this seat he's in, without having 100 percent of all voters vote for him. I mean I look at it very similarly. He came into this seat...I'm not trying to fight Mr. Carroll or anything, but it just dawned on me that I'm sure he checked the ballot in order to get the seat that he's sitting in. And now the constituents that voted for him want...that's why he's here, would like him to represent their voice. And I heard voices loud and clear today asking for someone like him to step into that role for all of us, for the betterment of all of us. So I'm, yeah, disheartened, I guess disappointed or that Mr. Carroll wouldn't look at himself in the light that everyone else here does from the community and myself and others who have spoken in favor of this amendment. So just putting it out there and hoping, you know, Mr. Carroll can see the bigger picture here of the good that can come of him stepping into that role.

Thank you, Mr. Chair.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay.

COUNCILMEMBER COCHRAN: Thank you, Mr. Carroll.

MAYOR ARAKAWA: Okay, keep it down, guys.

Any other comments from the Council?

If not...

COUNCILMEMBER KING: I want to comment I guess. I heard somebody who doesn't want to make promises who's made a promise already to somebody else. And I guess my urging is not to create another gang of five but to create unity and to rise above the idea of any division in the Council and treat everybody equally. I don't believe any of us who are urging you, Mr. Carroll, to serve in this capacity are saying that we then want you to give us the bigger piece of the pie. We just want somebody to treat everybody fairly because this community cannot win if the favors are doled out unevenly based on allegiances and politics. And so the plea to you from your colleagues here who are supporting you, your...the testifiers out there who are supporting you is yeah, sometimes you have to step up and sometimes you do have to change your mind. As you just said now, you know, that, you know, promises are hard to keep. Do what's pono for this community.

And it's a hard thing. I mean we're asking you to do a hard thing and it's a lot of work, I know that, because I've been in a leadership position when I served on the Board of Education. But sometimes you have to take that step and do what's right for the betterment of the community. And, you know, I truly believe that those of us who are supporting you are not asking for any special treatment, we're just asking for everybody to be treated fairly. So please consider that. Know that I am throwing my faith in you as well. I mean I've known Mr. Carroll for a long time, from way back in the days when we were both very involved in education and through, you know, probably three decades. And I do believe that the accessibility and the fairness and the ability to rise above personal feelings or ego is there. And that is so sorely needed in today's world at all levels. So it's not a request for any, you know, I wouldn't expect anything more from anybody that, anybody else on this Council towards me for this urging. I'm just speaking up and saying how I see things and how I think that this Council can move forward and be in a position where everybody's treated equally. And can serve, we can all serve our constituency honestly.

So thank you.

MAYOR ARAKAWA: Okay, any other comments?

COUNCILMEMBER CARROLL: Chair.

COUNCILMEMBER WHITE: Mr. Mayor.

MAYOR ARAKAWA: Councilmember White.

COUNCILMEMBER WHITE: Thank you, Mr. Mayor.

You know I've sat here very patiently all afternoon and I appreciate everyone coming out to have their say. It's been somewhat a little hard to take because I know that's not what I did, I know that's not what I said. And I think it's really quite rich to have Members Cochran and Guzman say that they were willing to support me after spending the day trying to organize themselves. So I've been taking the hits for doing something that was exactly the same thing they had started to do at about the same time. So I respect this body and I respect everyone who's come out today, but I need to share with you that I believe I have been very fair, I have been listening, I have been very caring. I've dealt with each of you with respect. You know Mr. Carroll, when Ms. Cochran approached him initially, asked her what has Mike White done wrong? And he said she couldn't come up with a single thing. At the same time, she was trying to get him to be Chair. At the, a time that she was trying to get Mr. Carroll to be Chair, her staff was calling Ms. King to ask her to support Elle as Chair. And then the second conversation that she had with Mr. Carroll, Ms. Cochran said that she...if Mr. Carroll joined them, they would have to decide...he and Mr. Guzman would have to decide who was going to be Chair. So by sometime around one o'clock or two o'clock, we had three people who have been sitting here saying oh, they're going to support me as Chair trying to split the Council. I'm not the one that tried to split the Council, it was initiated by the others.

And so, you know, I called Kelly on the very first morning, I think around 10:00 or 10:30 or 11 o'clock, and she said she wanted Planning. I said that's fine with me, I have no problem with that. Where is she? She's on Planning, she's the Chair of Planning. Elle wanted to stay with IEM, that's where she is. The committee assignments, we trimmed them down, we left Budget as a nine-Member Committee, because I feel that everybody has got to have a part in that process. And some of the comments were made today are very, you know, very good comments, good concerns. You need to remember that what we presented today is a proposal. We moved to five-member committees because of the challenges we've had in gaining quorum and to allow the people who chair committees to have the time necessary to do the work, the heavy lifting that is left largely to the chair to come up with legislation and present it to the committee for a discussion.

So I appreciate the motion on the floor. I can't support it because I think that we can bring this thing together just like we did last time. We were nine of us last time split five and four, and we worked very well together. And I think the thing that you all will recognize, and Elle and Don will certainly recognize is that although we organize as a group, we never voted as a block. And that was our understanding from the very beginning. And that's the understanding that we have as far as I'm concerned because we all have our own ways of looking at things. We all have our own perspectives. So once we've organized, that determines only leadership and then the committee makeup, but it doesn't have anything to do with our actual vote. Each

of us must vote our conscious here. Each of us must do what we feel is right and what we feel is the best for Maui County. So I...

UNIDENTIFIED SPEAKER (from the audience): . . .*(inaudible)*. . .

COUNCILMEMBER WHITE: And yes, I believe that too.

So I just want to thank everyone for coming out, and I just want you to know that I know in my heart of hearts we can move forward with the aloha that we did last time. And we have a lot of aloha coming from our side. I didn't feel a whole lot of aloha as you can imagine today, but that won't stop me from working very hard to make this Council work very well and to bring us all together.

Thank you, Chair.

MAYOR ARAKAWA: Thank you.

Any other comments?

Bob.

COUNCILMEMBER CARROLL: Thank you, Chair. I'm taking Mr. Victorino's place now.

I appreciate the comments and I appreciate the concerns and I appreciate the support. But I will reiterate, I do not want to elect myself. If I was elected as Chair, I told you, I promise you I will do the very, very best I can. I think I could be a credit to this Council. But I will not vote for myself, I will not do it. I feel that I need support more than how the split is. I need the support. And so that is where I'm at now. So I will not be voting for myself and I would call for a roll call vote, Chair.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: Discussion.

MAYOR ARAKAWA: Any other discussion?

COUNCILMEMBER KING: Yeah.

MAYOR ARAKAWA: Kelly.

COUNCILMEMBER KING: Yeah. I didn't really want to get into this but because my name came up a little earlier and everybody seems to be being forced to tell their story of what happened after --

MAYOR ARAKAWA: Okay. I'm going to stop --

COUNCILMEMBER KING: --election day.

MAYOR ARAKAWA: --you right there because we're getting too much into the personal discussion and we're getting away from the motion that's on the floor which is --

COUNCILMEMBER KING: Well, Mr. Mayor --

MAYOR ARAKAWA: --which is on the Chairmanship.

COUNCILMEMBER KING: --if --

MAYOR ARAKAWA: So...

COUNCILMEMBER KING: --if bringing light to the facts of how things really happened helps people make their decision, I think it's important. Because I do want to say that while I appreciate your recounting, Mr. White, of our conversation, I did not say that Elle's staff contacted me to talk about Chairmanship.

MAYOR ARAKAWA: Again...

COUNCILMEMBER KING: They called and left a message --

UNIDENTIFIED SPEAKER (from the audience): Let her speak.

COUNCILMEMBER KING: --to --

MAYOR ARAKAWA: I will clear the room --

COUNCILMEMBER KING: --saying they wanted to discuss --

MAYOR ARAKAWA: --if you don't...if you keep making noise.

COUNCILMEMBER KING: --leadership.

UNIDENTIFIED SPEAKER (from the audience): Let them talk.

COUNCILMEMBER KING: And by the...

MAYOR ARAKAWA: No, no.

COUNCILMEMBER KING: When I...when Elle called me back --

MAYOR ARAKAWA: Kelly.

COUNCILMEMBER KING: --and we talked about...no, this is very pertinent. Because when Elle --

MAYOR ARAKAWA: No, this is...

COUNCILMEMBER KING: --called me back and we talked --

MAYOR ARAKAWA: Kelly, this is...

COUNCILMEMBER KING: --we discussed...we did not discuss leadership.

MAYOR ARAKAWA: There is a decorum and there are rules --

COUNCILMEMBER CRIVELLO: Recess.

MAYOR ARAKAWA: --with the --

UNIDENTIFIED SPEAKER (from the audience): Recess.

MAYOR ARAKAWA: --agenda items --

COUNCILMEMBER CRIVELLO: Chair, I'd like to call for a recess.

MAYOR ARAKAWA: --and how . . .*(inaudible)*. . .

Okay. How long you want?

Recess five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:29 P.M., AND WAS RECONVENED AT 9:35 P.M., WITH ALL MEMBERS PRESENT.)

MAYOR ARAKAWA: Call the meeting back to order. As I was saying, miss...Councilmember King, you may speak to the amendment that's on the floor, but keep it pertaining to the amendment on the floor.

COUNCILMEMBER KING: Mr. Mayor, my complaint was that there were others who were speaking to the same issue and were not cut off, and I feel that if somebody is going to misrepresent something that I said, I want, I would like to set the record straight.

MAYOR ARAKAWA: Can you do it in a minute or two? 'Cause this is getting off of the agenda, off of the...

COUNCILMEMBER KING: I understand. But if you let it start going off track, you kind of have to let everybody else, everybody have their say.

MAYOR ARAKAWA: And that's why I'm trying to bring it back because everybody has been speaking --

COUNCILMEMBER KING: I understand.

MAYOR ARAKAWA: --way off track already and I'm trying to bring it back. 'Cause I've tried to give everybody as much leniency as possible and it's getting out of hand. So I...

COUNCILMEMBER KING: Well, I think it's important...

MAYOR ARAKAWA: So I'll give you a couple minutes --

COUNCILMEMBER KING: Okay, thank you.

MAYOR ARAKAWA: --to make your point but keep it relatively brief.

COUNCILMEMBER KING: Yeah. I think it's important for other Members to know that what was said and when I did speak with Ms. Cochran was a discussion about from my side was a discussion about certain Council Rules that I would have liked to have addressed. We're not there yet. But there was no talk of leadership positions between myself and mister...Ms. Cochran at all. There was no talk of leadership positions between myself and Mr. Guzman other than the fact that I asked him if he wanted to be Chair and he said no, he didn't. So it wasn't...so I just, I wanted to address that issue of characterizing as trying to split the Council, because I don't think that was the intent. The intent was to try to have some influence over changing some rules so that they're more functional and they make us more accountable to the public. That's all --

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: --I wanted to say.

MAYOR ARAKAWA: Thank you.

Any other discussion?

COUNCILMEMBER GUZMAN: Chair. Yeah.

MAYOR ARAKAWA: Councilmember Hokama.

COUNCILMEMBER GUZMAN: I'll speak on the motion. I...

MAYOR ARAKAWA: Wait, who's asking?

COUNCILMEMBER GUZMAN: Me.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER GUZMAN: Mr. Guzman.

MAYOR ARAKAWA: Sorry, I thought it was Councilmember Hokama.

COUNCILMEMBER GUZMAN: Oh, okay.

MAYOR ARAKAWA: Councilmember Guzman.

COUNCILMEMBER GUZMAN: Yeah, sometimes we sound alike.

MAYOR ARAKAWA: That's why I'm clarifying.

COUNCILMEMBER GUZMAN: I'll try to sound more like Victorino tonight.

MAYOR ARAKAWA: Keep it to the amendment.

COUNCILMEMBER GUZMAN: Gosh I miss that guy.

But anyway...

MAYOR ARAKAWA: Keep it to the amendment.

COUNCILMEMBER GUZMAN: Yes, yes. Thank you, Mayor.

I think that what Ms. King is saying and I understand is that, you know, a good leader encountering I guess...

MAYOR ARAKAWA: The amendment is Bob, to elect --

COUNCILMEMBER GUZMAN: Yes, yes.

MAYOR ARAKAWA: --selecting Bob Carroll as Chairman.

COUNCILMEMBER GUZMAN: And...yes, yes.

MAYOR ARAKAWA: So keep it to the amendment.

COUNCILMEMBER GUZMAN: Yes, yes.

And I think that Bob Carroll would be a good Chair, because in a similar situation wherein if I had something to say, he would not counter back and basically try to be the winner of this argument which is, you know, basically this is all hearsay. You know he's relying on a third-party hearsay. But I think Bob would have taken the opportunity to speak to me individually which Mr. White did, so why couldn't he have taken that at face value if that's the truth, that's what I was telling him? I would support him as Chair. He relied on third-party information. And so I think Bob would be a better Chair and would try to unite and basically not try to hold that hard line. 'Cause that's what happening here, he's holding a hard line like he's right, they started it first. Well, it doesn't matter who started it, it's about resolving, being a leader and being humble enough to accept that hey, if I'm going to be your leader, I'm going to make sure that we heal this or we're going to be united. I'm not going to fight you back. There's a different perspective that I see here, one that comes from a general manager that gets what he wants every time, and one person like Bob Carroll who's lived in Hana and is really a compassionate...and has a lot of humility. So I would...again, supporting this motion. I would really hope he considers it.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER GUZMAN: Thank you.

MAYOR ARAKAWA: Thank you.

COUNCILMEMBER WHITE: Mr. Mayor.

In the interest of time I won't respond to two misleading statements.

MAYOR ARAKAWA: Thank you very much.

COUNCILMEMBER COCHRAN: Mister...okay.

MAYOR ARAKAWA: Ms. Cochran. And do not bring...

COUNCILMEMBER COCHRAN: Ho, this is getting out of hand.

MAYOR ARAKAWA: Ms. Cochran --

COUNCILMEMBER WHITE: Why don't we call for the vote?

MAYOR ARAKAWA: --we have a motion on the floor, the amendment on the floor, keep it to the amendment on the floor. No other Councilmember's name should be brought up except for the motion.

COUNCILMEMBER COCHRAN: Okay, never mind.

Let's call for the vote, roll call.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER ATAY: Can I...

COUNCILMEMBER COCHRAN: Oh.

MAYOR ARAKAWA: Let me have...we have a roll call being asked for; however, Councilmember Atay would like to speak. If you don't mind, I'd like to ask him to have his say before...

COUNCILMEMBER ATAY: Yes.

MAYOR ARAKAWA: Councilmember Atay.

COUNCILMEMBER ATAY: Thank you, Mayor.

You know when I ran, it was on the platform of community and people first. And with that in mind, I turn to Councilman Carroll and please consider...and the rest of the Members, for the sake of trying to be united, trying to acquire a balanced state of lokahi amongst all the Members. And trying to figure out...we've heard the

community today. And what is important is we also know where we want...don't want to go. And the current amendment now gives us another solution of uniting this body and looking at how do we serve the community, serve our people first. And I think the nomination for Mr. Bob Carroll would make sense, would make sense for now that he be the Chair. And that with his leadership, we'll be able to bring everyone together as colleagues, allow us to work as a team and establish trust amongst one another once again so that we can get to work for the people. So once again, I want to reiterate and share my support for Councilman Carroll in being the Chairman.

MAYOR ARAKAWA: Thank you very much.

And roll call vote was called for --

COUNCILMEMBER COCHRAN: No, sorry.

MAYOR ARAKAWA: --so...

COUNCILMEMBER COCHRAN: Mr. Mayor, I have a question though for Corporation Counsel...is that...

MAYOR ARAKAWA: You asked for roll call and then now you wanna have another comment?

COUNCILMEMBER COCHRAN: Sorry. It dawned on me that...

MAYOR ARAKAWA: Ask your question and then we're going to go to a roll call vote.

COUNCILMEMBER COCHRAN: Thank you.

So with...because of the pending complaints and things right now, if this happens that Mr. White is voted in as the Chair and those things end up...he's being found guilty, what have you, what occurs? I mean he, I don't know what the repercussions are, fine, jail, whatever, loses his job.

MAYOR ARAKAWA: Okay. Pat, do you want to answer that?

COUNCILMEMBER COCHRAN: I mean that's why I think one of the...is there some kind of litigation that community can come back on us for? We call this type of vote right now due to pending litigation on this person's head.

MAYOR ARAKAWA: Councilmember Cochran, let Corporation Counsel address that. If not, I'll address it.

CORPORATION COUNSEL: Chair, I'll try to address it as best I can.

In Sunshine Law violation issues, the Supreme Court in the Kanahele Decision has spoken to whether or not the existence of the Sunshine Law violation voids a matter. And in Kanahele, the Supreme Court despite finding a Sunshine Law violation, did not void the underlying ordinance that was passed. So the quick answer is if there is a Sunshine Law violation that's found by the courts, whatever item is voted on may be voidable, it doesn't necessarily render it void. Do you understand the answer? It's voidable but it can still stand. And the Kanahele Decision is on point on that. The Sunshine Law according to the Supreme Court was violated. So they found the violation, but they did not overturn the underlying ordinance that was in place. The court did not overturn it.

MAYOR ARAKAWA: Okay. Is that clear enough for you?

COUNCILMEMBER COCHRAN: Okay. All right.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER COCHRAN: Just wanted clarification.

Thank you.

CORPORATION COUNSEL: Okay.

MAYOR ARAKAWA: So, Mr. Clerk, could you read the motion as...the amendment to the motion as presented? And then let's do a roll call.

ACTING COUNTY CLERK: Mr. Mayor, the amendment replaces the name of Mike White with Robert Carroll as the Chair of the Council.

MAYOR ARAKAWA: Okay. Roll call.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Mayor, four "ayes," five "noes."

MAYOR ARAKAWA: So the amendment is defeated.

Are there any other amendments?

COUNCILMEMBER GUZMAN: Chair.

MAYOR ARAKAWA: Councilmember Guzman.

COUNCILMEMBER GUZMAN:

I MOVE TO AMEND THE MAIN MOTION BY REPLACING MIKE WHITE WITH ELLE COCHRAN.

MAYOR ARAKAWA: Is there a second?

COUNCILMEMBER ATAY:

SECOND.

MAYOR ARAKAWA: Okay, it's been moved and seconded. Discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, based off of her years of experience as well as the people's choice on the most votes garnished or gathered this last election, I have complete faith in Ms. Cochran to lead this Council.

Thank you.

MAYOR ARAKAWA: Thank you.

Any other comments?

Councilmember Atay.

COUNCILMEMBER ATAY: Ms. Cochran deserves this chance. If others that we had recommended did not want it, I hope that she wants to take this Chairmanship. The people also know through the ballot box, she's one of the leaders in the highest vote counts. So let it stand, represent the people. I support her.

MAYOR ARAKAWA: Thank you.

Any other comments?

COUNCILMEMBER KING: Yes.

MAYOR ARAKAWA: Councilmember King.

COUNCILMEMBER KING: I also support this amendment, Mr. Mayor. And I think it's important that we have equal representation in the leadership of what we are looking at now as a divided Council. And, you know, we may be going for another four-five vote but I think it's important to make this position.

Thank you.

MAYOR ARAKAWA: Okay. Any other comments?

If not...

COUNCILMEMBER COCHRAN: Chair.

MAYOR ARAKAWA: Councilmember Cochran.

COUNCILMEMBER COCHRAN: And thank you, Mr. Guzman, for that. I actually accept.

You know I've...I feel very honored. I'm actually very, very privileged too, to have garnered the most votes in this entire County. That for me speaks volumes of this wonderful County of ours, and it states that people approve and like, trust, have confidence in what I do and how I do it. Yeah, we don't all see eye to eye, but, you know, I believe that I am open, I'm fair, and I get...I don't have that laundry list of endorsements as Mr. Guzman does. But I'll tell you, a lot of the leaders from those organizations have come to me and said, you know, Elle, we do not see eye to eye, we probably may not, but they appreciate that they know where they stand with me. And they respect that. Because I speak my mind, I do my homework. I don't come sitting here retaliating against each other of one another. I don't take revenge. I believe I'm very fair because I do my homework. I leave...that's my staff, gotta give them all credit there and the analysts and everyone that we have on the 7th floor. But I feel I do my due diligence wholeheartedly and very passionately, and I take this job extremely serious.

I believe actions speak louder than words and that is why people see I am a person in action. I'm in the community seeing firsthand, learning, taking firsthand experiences on any issues and concerns that people bring to me. My door is always open. My lines of communication are always open too. I'm not hiding anywhere. So I appreciate Mr. Guzman's nomination here, and I do accept. And I'm hoping to get fellow Members' support. I think regardless of how we see, like I explained, I can be very open and fair because it's about the people. As long as we're making our decisions for the right reasons and coming from a place that is what our constituent base wants then that's the right thing to do. And I can be a great leader in that because I believe I have and the reason why this community has given me the most

votes and support. So I appreciate that. And I will, as Mr. Carroll said earlier too, do the best job to the best of my ability.

So thank you very much, Chair. And thank you, Mr. Guzman.

MAYOR ARAKAWA: Thank you.

Any other comments?

If not, I'm going to do another roll call vote.

Danny.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Mayor, five "ayes"...excuse me, four "ayes" and five "noes."

MAYOR ARAKAWA: The amendment fails.

Are there any other amendments?

Councilmember Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mayor.

I MOVE TO AMEND THE MAIN MOTION BY REPLACING THE NAME OF MIKE WHITE WITH DON GUZMAN.

COUNCILMEMBER KING:

SECOND.

MEMBERS OF THE AUDIENCE APPLAUD AND CHEER

MAYOR ARAKAWA: Keep it quiet in the audience.

Is there a second?

COUNCILMEMBER KING:

SECOND.

MAYOR ARAKAWA: Okay, it's been moved and seconded, Don Guzman.

Elle, you made the motion. Comments? Elle, you made the motion. Comments?

COUNCILMEMBER COCHRAN: Oh sorry. I thought Kelly, Elle. I'm hearing like it was the Mike and Mike. Thank you, Chair.

And I think all the testimony morning, noon, and night, has said a lot, it spoke volumes. And I think we've all stated our case and made our points. And feel that Mr. Guzman number one has been our Vice-Chair. It's sort of the normal progression to move up. The same point I made with Mr. Carroll as in having, you know, paid his dues so to speak on this Council and proven, a proven track record and what have you. I believe Mr. Guzman has done the same and he deserves that moment to serve us in this capacity as Chair of this County. He has stated great things in being open and working with and what have you. I truly, truly have confidence and trust that Mr. Guzman will do the best for all of us.

He too can bring us together I feel. And trying to split this Council did not happen. It was about bringing people together collectively as an ohana in unity, hearing each other out. And currently that did not happen. So we're here as you all can see, there is this five-four thing happening. Four are here to change that. It is so desperately needed and this is history in the making if we can do this, because it is for the betterment of the future generations. It's not what's in it for me or any of us right here, right now, and I know Mr. Guzman feels this way. It's for the future, the legacy we all leave behind. And I know Mr. Guzman, I mean having children, he deeply, deeply believes that, that he's going to leave this place a better place than he found it. And I want to have him at the helm guiding us on that path and journey for all us to have a better life. So I highly recommend Mr. Guzman as Chair.

Thank you, Mr. Mayor.

MAYOR ARAKAWA: Okay. Any other comments?

Kelly.

COUNCILMEMBER KING: Yes. Can I make an amendment to the amendment? I know it's a big sacrifice to be Chair, it's a lot of work, you don't get to chair your own committee.

> AND I WOULD LIKE TO AMEND THE RESOLUTION BEFORE US TO SAY THAT WE ARE ELECTING DON GUZMAN AS THE CHAIR OF THE COUNCIL FOR A PERIOD OF ONE YEAR, 'TILL THE END OF THE YEAR, END OF THE CALENDAR YEAR 2018.

MAYOR ARAKAWA: I don't believe you can amend an amendment just yet, but let me check with Corp. Counsel.

Corp. Counsel.

CORPORATION COUNSEL: Chair, that should be a separate and distinct motion.

MAYOR ARAKAWA: Okay. So we'll work on the amendment first and then you can make another motion if you choose.

COUNCILMEMBER KING: Okay.

MAYOR ARAKAWA: Okay. Any other discussion on the amendment?

COUNCILMEMBER KING: I...let...can I just finish what --

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: --I wanted to say?

And I know it's a big responsibility. And if Mr. Guzman is willing to take it on, I am deeply gratified because I do think that you can bring fairness to this Council and, you know, relook at the committee assignments as far as the numbers of people on the committee--I think that's very important--not make unilateral decisions and bring the, all the Councilmembers into the decisions. I've known Mr. Guzman for probably as long as he's been on the Council or maybe longer, because I knew you when you worked for Mazie Hirono. And he has always been fair and above board. He has always been legal because he's our only attorney on the Council, sitting on the Council. And maybe it's futile but I just want to urge all our, all my colleagues on the Council to consider that Mr. Guzman will be an excellent choice for Chair and for...not just for us as individual Members and for bringing the Council together but for bringing the community together. The...it's not just about the broad support either, it's about the fact that, the way Mr. Guzman has conducted himself over the last six years. And I believe his heart and soul is into the Council. He hasn't made any commitments outside of this. So that's my pitch and just hoping that somebody will be moved to make that decision and step out of the box of this five-four split.

Thank you.

MAYOR ARAKAWA: Any other comments?

Councilmember Atay.

COUNCILMEMBER ATAY: Mr. Mayor, I'm in favor of this resolution to see Councilmember Guzman as our Chairman. I think I've already earlier expressed my reason why I couldn't support the previous Chair, and it only makes sense then as we go down the line that the previous Vice-Chairman who has the experience and leadership in that role to move forward to the next level as being Chairman. So I would like to also recommend that.

MAYOR ARAKAWA: Okay, thank you.

Any other comments?

If not, roll call vote.

ACTING COUNTY CLERK: Councilmember...

MAYOR ARAKAWA: Wait, wait. Repeat the amendment first.

ACTING COUNTY CLERK: Mr. Mayor, the proposed amendment is to replace the name of Mike White as the Chair of the Council with Don S. Guzman.

MAYOR ARAKAWA: Okay, thank you.

Roll call vote.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: YES.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Chair, four "ayes," five "noes."

MAYOR ARAKAWA: Four "noes," five "ayes." Well, four...five...

ACTING COUNTY CLERK: Four "ayes," five...

MAYOR ARAKAWA: Four "ayes," five "noes." Correct. Okay, the motion fails. The amendment fails.

Are there any other amendments?

COUNCILMEMBER GUZMAN: Chair.

MAYOR ARAKAWA: I believe Kelly wanted to make an amendment.

COUNCILMEMBER GUZMAN: Oh, okay. I'm sorry.

COUNCILMEMBER KING: I do want to make an amendment.

AND MY AMENDMENT WOULD BE TO AMEND THE RESOLUTION 17-1 TO SAY ELECTING DON GUZMAN AS THE CHAIR OF THE COUNCIL FOR A PERIOD...FROM, FOR THE TERM COMMENCING JANUARY 2, 2017 AND TERMINATING JANUARY 2, 2018.

MAYOR ARAKAWA: Second?

COUNCILMEMBER COCHRAN:

SECOND.

MAYOR ARAKAWA: Been moved by Kelly --

COUNCILMEMBER KING: Okay.

MAYOR ARAKAWA: --seconded by Elle.

COUNCILMEMBER KING: And I'm speaking to the motion, Chair. And, you know, maybe it's futile but I think we, I'd like to give Councilmembers an opportunity to look at a short-term intermediary Chair and then reconsider after a year. I mean I think this would be honoring the testimony that we heard today. Give ourselves a year to reevaluate and come back together. You know maybe we'll...I know Council Rules can be changed at any time if there are enough votes so maybe we'll come back together and improve whatever else needs to be improved at that time. But I think this would give also Mr. Guzman who would be sacrificing a lot, an opportunity at that point to hand over the reins if he so chooses. But this --

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: --I think this is a good compromise.

MAYOR ARAKAWA: Okay, thank you.

Any other comments?

COUNCILMEMBER ATAY:

I SECOND THAT.

MAYOR ARAKAWA: Okay, it's been moved and seconded.

Any other comments?

Councilmember Atay. Were you...somebody want to make a comment? I'm seeing the lights on. Okay.

If not...

COUNCILMEMBER COCHRAN: Oh. I appreciate Ms. King thinking outside the box here and trying to, you know, bring kind of a fair, a happy medium to the situation we're in right now, and I think it's worth a shot. I think it's worth a try. It's never been done but hey, you know, that's what people want here. They want new, fresh, creative stuff happening, and so I like it. And so thank you for proposing it. And I support it.

Thank you, Chair.

MAYOR ARAKAWA: Okay. Any other comments?

If not, Danny, can you read the amendment? And then we'll take a vote.

ACTING COUNTY CLERK: Mr. Mayor, the amendment replaces the name of Mike White with Don S. Guzman for a term commencing January 2, 2017 and terminating January 2, 2018.

MAYOR ARAKAWA: Okay. Let's do the roll call vote.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Mayor, four "ayes," five "noes."

MAYOR ARAKAWA: Okay, the motion...the amendment is defeated.

COUNCILMEMBER GUZMAN: Amend.

MAYOR ARAKAWA: Councilmember Guzman.

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair.

That was painful, getting voted no twice. Thank you very much, Members.

By anyway, I have another amendment.

Lighten up, Mike.

MAYOR ARAKAWA: Just...

COUNCILMEMBER GUZMAN: We're going to be okay.

MAYOR ARAKAWA: Just remember, Councilmember Guzman, after we take the vote, I get to go home.

COUNCILMEMBER GUZMAN: Yes.

MAYOR ARAKAWA: You guys have to go through this entire agenda, so speak as long as you want.

COUNCILMEMBER GUZMAN: Thank you, I will.

MAYOR ARAKAWA: You're welcome.

COUNCILMEMBER GUZMAN: Thank you, Mayor.

I WANT TO MAKE ANOTHER AMENDMENT TO THE MAIN MOTION, AND THAT IS TO REPLACE MIKE WHITE WITH STACY CRIVELLO.

MAYOR ARAKAWA: Is there a second?

COUNCILMEMBER COCHRAN:

SECOND.

MAYOR ARAKAWA: Okay. The maker of the motion --

COUNCILMEMBER GUZMAN: Yes.

MAYOR ARAKAWA: --any comments?

COUNCILMEMBER GUZMAN: Thank you, Mayor.

And I think that Ms. Crivello would make a very good Chair. I think she speaks from the heart. That's the nickname I always give her, because she's always making sure that she's thinking about others and thinking about the full community. And she

speaks from the heart. And she's one of those Councilmembers that I respect and has always been good to others. And I think she would be fair.

Thank you, Chair.

MAYOR ARAKAWA: Okay. Any other comments?

Stacy.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Mayor. Thank you, Don Guzman. I appreciate the kind words.

You know I guess I'm at the bottom of your ladder when you've gone through the list. And I choose not to accept this nomination. I do support the original motion in supporting Mike White for Chair.

Thank you, Mr. Guzman.

MAYOR ARAKAWA: Okay. So Councilmember Crivello declines the motion.

So are there any other amendments that you would wish to offer?

COUNCILMEMBER GUZMAN: I get one more.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Your desperation --

COUNCILMEMBER GUZMAN: One more. One more, Mayor.

MAYOR ARAKAWA: --is beginning to show.

COUNCILMEMBER GUZMAN: You know I'm terrible at Vegas so I'll roll that dice one more time.

SO ANYWAY, I WILL MAKE A MOTION TO AMEND THE MAIN MOTION REPLACING MIKE WHITE WITH KELLY KING.

MEMBERS OF THE AUDIENCE APPLAUD

MAYOR ARAKAWA: Okay.

Is there a second?

COUNCILMEMBER COCHRAN:

SECOND.

MAYOR ARAKAWA: Okay. It's been moved, seconded by Elle.

First of all, Kelly, do you accept?

COUNCILMEMBER KING: In the best interests of this Council, I do accept.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: And if elected I will do my very best and will be excruciatingly fair.

MAYOR ARAKAWA: Okay. Don, you made the motion, comments?

COUNCILMEMBER GUZMAN: Thank you, Mayor.

I think Ms. King would make a fine Chair. Even though it is her first year, she has...she comes with a wealth of experience. And you can see her conduct and actions on the floor. And her first meeting, wow, she's, she seems like a veteran. And I think that by running a very large business, she has management skills. And I believe that she would be very fair and respectful to the Councilmembers. I definitely wouldn't have to kiss her ring. So I think that she would make a fine Chair.

Thank you, Mayor.

MAYOR ARAKAWA: You know I'm not going to comment on that.

COUNCILMEMBER COCHRAN: Point of...

MAYOR ARAKAWA: Councilmember Cochran.

COUNCILMEMBER COCHRAN: Chair, I just have a point of order though, because was there not an amendment on the floor with the vote for Ms. Crivello --

MAYOR ARAKAWA: It was...she declined it.

COUNCILMEMBER COCHRAN: --then she declined. But does that just wipe the motion off the floor then?

MAYOR ARAKAWA: I believe that eliminates it, yes, because she doesn't want to do it.

COUNCILMEMBER COCHRAN: Okay. Just checking.

MAYOR ARAKAWA: Yeah.

COUNCILMEMBER COCHRAN: Okay.

MAYOR ARAKAWA: So your comment on --

COUNCILMEMBER COCHRAN: Sorry to interrupt.

MAYOR ARAKAWA: --Ms. King? Do you wish to comment on Ms. King?

COUNCILMEMBER COCHRAN: Oh, sure.

I concur with Mr. Guzman. And as stated, I mean newly elected and I think she's shown great stamina today. But she can think on her feet and bring some very, very creative and solution-oriented points to the table. And I...she's showing some potential. And am very, very willing to give her that opportunity to be the Chair of this Council. So yeah, I'm very much in support.

Thank you, Chair.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER COCHRAN: Mayor.

MAYOR ARAKAWA: Any other comments?

If not...

COUNCILMEMBER KING: I guess I should speak to the motion. And I want to thank you and point out to Ms. Crivello that no, you aren't at the bottom of the ladder. There's a couple more rungs.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: But I do accept because it's not new to me, I've chaired many councils and committees. And even as first Vice-Chair of the Board of Education have taken over quite a few times as the Chair of the Board of Education. So I'm familiar with the process. I'm familiar with the idea of fairness and openness. And I feel that I could communicate with all of the Councilmembers equally and evenly. And I don't hold any personal grudges.

My company which I'm stepping down from has been called by the State Farm Agency, the most collaborative company in the State of Hawaii, and it's because of our ability and specifically my leadership in collaboration in bringing not just businesses together but agencies and organizations, and working with the Hawaii State Legislature and the, our Hawaii Congressional Delegation. So I would be honored to take this on. I would probably call for a reconfirmation in a year just to be responsible to the public and to the Councilmembers. And to, you know, I like the idea of being evaluated as a Council Chair, because I do feel that the Council Chair works for the Members. And that that would be my approach to that position.

So thank you very much. And see if we're still in the five-four split.

MAYOR ARAKAWA: Thank you.

Any other comments?

If not, Clerk, will you repeat the motion?

ACTING COUNTY CLERK: Mr. Mayor, the motion is on Resolution 17-1 to replace the name Mike White with Kelly King as the Chair of the Council.

MAYOR ARAKAWA: Thank you.

Roll call vote.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Mayor, four "ayes," five "noes."

MAYOR ARAKAWA: Okay, again, the amendment fails.

Are there any other amendments? You have two more Councilmembers.

COUNCILMEMBER GUZMAN: Mayor, at this time I know you want to go bed, so...

MAYOR ARAKAWA: Oh no, I don't go to bed 'till one or two o'clock in the morning. But I would like to take a bath.

COUNCILMEMBER GUZMAN: But anyway, that the...Mayor, pursuant the Charter, Section 4-2, which reads as upon the request of three Members of the Council, a public hearing shall be held on any proposed ordinance or resolution. I as the first Member of this requirement request a public hearing.

MAYOR ARAKAWA: Again, I would remind you and we'll check with Corporation Counsel, the Charter very specifically says that the election for the Chairman would be held today on the 2nd. So I think that the Charter precludes any Council or any other ruling. But perhaps Corp. Counsel can clarify.

COUNCILMEMBER GUZMAN: Mayor, I only have one request. There's required two requests, so I mean I didn't even get the other two --

MAYOR ARAKAWA: Again, I'm going to --

COUNCILMEMBER GUZMAN: --requests.

MAYOR ARAKAWA: --ask Corp. Counsel to clarify whether you can do that when the Charter clearly states it must be done today.

COUNCILMEMBER GUZMAN: I think it doesn't become an issue, Mayor, until there are three requests, and then you can ask the Corporation Counsel for an opinion. Because right now there's --

MAYOR ARAKAWA: No, we can . . .*(inaudible)*. . .

COUNCILMEMBER GUZMAN: --it's premature to ask him something that I...there's only one request.

MAYOR ARAKAWA: I can...I'll ask if there are two others that request the same thing?

Councilmember Cochran.

COUNCILMEMBER COCHRAN: Mr. Mayor, I, I'll be the second requestor to this Maui County Charter Section 4-2.

MAYOR ARAKAWA: Okay. Is there a third?

COUNCILMEMBER ATAY: Mr. Mayor, I'll be the third.

MAYOR ARAKAWA: Okay. Corporation Counsel.

CORPORATION COUNSEL: Chair, Section 3-5 provides--and I'm not going to read it all--that at two o'clock on the second day of January, the Council shall meet at which time, *at which time* it shall elect one of its Members as Chair and Presiding Officer of the Council. Until such time as the Chair shall be elected, the Mayor shall preside at such meeting, provided that the Mayor shall not have a vote. My read of that provision is that it shall happen in this meeting.

MAYOR ARAKAWA: Okay. I will point out, Councilmembers, as I pointed out earlier, unless you have a Chair and you have Rules of your Council, I believe you can't make any kind of financial decisions, because you don't have any office budget established, you don't have any rules established. And therefore all of the staff will become unemployed.

COUNCILMEMBER KING: Point of order.

MAYOR ARAKAWA: So...

COUNCILMEMBER KING: Just I would like to hear from Corp. Counsel on that, because I was actually given a budget already by Council Services before I even hired a staff. So there was apparently a budget that I've been working off of for the next six months.

CORPORATION COUNSEL: Your question is?

COUNCILMEMBER KING: Is was that budget valid or does it take a Chair, electing a Chair to validate that budget that I was given? We're being told that we don't have a budget until a Chair is elected. But I was given a budget already, have already hired two staff members, filled out the paperwork, given them salaries based on that budget. And I want to know if that budget is fact or fiction.

CORPORATION COUNSEL: I'm unable to answer whether or not the budget is applicable; however, in order for the operations to move forward, you have resolutions that require action. The only action items that must be done by Charter today is the appointment of the Chair, the appointment of the Vice-Chair, the appointment of the Officer Pro Tempore, and the third paragraph is your adoption of your rules. If you choose not to act on the other resolutions which includes the appointment of the Director of Council Services, the Clerk's salary, the Deputy Clerk's salary, the appointment of the staff of the Office of Council Services. Until they're appointed they are not employees. So it's your choosing as a body not to act on those matters. What's before you you're required to act on. I'm going to suggest to you that come

midnight, you fail to act, I will suggest that you'll be in violation of your own Charter which is very curious to me.

COUNCILMEMBER KING: Where does it say in here that you have to act by midnight? For what I read it says the Council shall meet in the Council room at the County Building for its organization at two o'clock p.m. on the second day of January following its election, or on the following Monday if the second day be a Saturday or Sunday, at which time it shall elect one of its Members as Chair --

CORPORATION COUNSEL: There you go.

COUNCILMEMBER KING: --and Presiding Officer. But there is no time deadline for that that I can see.

CORPORATION COUNSEL: At which time it shall elect --

COUNCILMEMBER KING: Right. But we didn't do that --

CORPORATION COUNSEL: --one of its Members.

COUNCILMEMBER KING: --at two o'clock.

CORPORATION COUNSEL: I understand.

COUNCILMEMBER KING: Here it is ten o'clock so...

CORPORATION COUNSEL: I'm here with you.

COUNCILMEMBER KING: Where does it say that it has to be done by midnight?

CORPORATION COUNSEL: Where does it say that it does not?

COUNCILMEMBER KING: Really, that's your reasoning?

CORPORATION COUNSEL: Absolutely.

COUNCILMEMBER COCHRAN: Yeah, that's his reasoning.

CORPORATION COUNSEL: I'm reading directly from the language of the Charter.

COUNCILMEMBER KING: I was reading directly from the language of the Charter.

CORPORATION COUNSEL: Absolutely.

COUNCILMEMBER KING: Yeah. Until such time as --

CORPORATION COUNSEL: And you're welcome to accept my opinion or not.

COUNCILMEMBER KING: --the Chair shall be elected, the Mayor shall preside at such meeting, provided that the Mayor shall not have a vote.

CORPORATION COUNSEL: And again, you're welcome to accept my opinion or not.

COUNCILMEMBER KING: Can we get a second opinion?

MAYOR ARAKAWA: Again, just as a commentary. If you don't have all the Staff and you don't appoint the Staff, you don't appoint any of the employees, you don't have any employees. You're not going to be able to post meetings, you're not going to be able to do a lot of things. So if you want to do that, that's fine by me. You guys will unravel a can of worms. My office still runs. But you're going to...it's going to be...

COUNCILMEMBER COCHRAN: Chair.

MAYOR ARAKAWA: And you can't just have another meeting. So even if you want to have a community meeting, you're going to have no one to really call the meeting, post the meeting, or do anything with that meeting at all. So you're going to put yourself into a real pickle as far as I'm concerned. And I may very well be wrong but essentially you'll have no Council.

COUNCILMEMBER COCHRAN: Mayor.

MAYOR ARAKAWA: Cochran.

COUNCILMEMBER COCHRAN: Is it...would it...if we just moved on to the next reso...well, first of all, this three-Member hearing has been talked about and we'd like to see where this is going. But to try and, you know, address what you're saying, that we'll be left kind of spinning our wheels here with no one in charge. Why don't we go to the next vote in the Vice-Chair so then technically wouldn't that Vice-Chair take the place of one, the Chair? And that person can run and continue through with the business?

MAYOR ARAKAWA: Let me remind you. I only preside on the election of the Chairman. You have no one to preside over the election of the Vice-Chairman.

COUNCILMEMBER COCHRAN: We vote. But that person typically takes over for the Chairmanship position. So...

MAYOR ARAKAWA: And you have no one to provide for the --

COUNCILMEMBER COCHRAN: But it's just --

MAYOR ARAKAWA: --leadership to get to the Vice-Chairman.

COUNCILMEMBER COCHRAN: --a placeholder so to speak to just relieve yourself and have a person of this Council --

COUNCILMEMBER CRIVELLO: Chair.

COUNCILMEMBER COCHRAN: --start taking care of business.

MAYOR ARAKAWA: You can't.

COUNCILMEMBER COCHRAN: Is that not...I don't know, can I get an actual legal --

COUNCILMEMBER CRIVELLO: Chair. Point of...

MAYOR ARAKAWA: Hold on --

COUNCILMEMBER COCHRAN: --opinion?

MAYOR ARAKAWA: --please.

COUNCILMEMBER CRIVELLO: Chair, we have a motion on the floor.

MAYOR ARAKAWA: Yes.

COUNCILMEMBER CRIVELLO: And we, do we have any amendments to that motion that we're dealing with now or can we go back to --

MAYOR ARAKAWA: The amendment was --

COUNCILMEMBER CRIVELLO: --the motion and call for the question?

MAYOR ARAKAWA: --to have a community meeting.

COUNCILMEMBER CRIVELLO: To the main motion, sir?

MAYOR ARAKAWA: Three Councilmembers have moved to take this out to a community hearing, so...a public hearing. So what...the Charter does allow for a public hearing with three Councilmembers. And what I'm suggesting now is you're going to put yourself into a real pickle, because you're not going to be able to elect the...because you don't elect the Chairman, you cannot elect the Vice-Chairman. I cannot appoint the Vice-Chairman because by Charter I only preside over the Chairmanship. You don't have the ability as a Council right now, 'cause you don't have a Chairman to be able to conduct the meeting. So once I declare the meeting adjourned, it's done. And if you go out to public hearing and I will declare the meeting adjourned, and you guys will figure out how to get out of the pickle that you put yourself in.

COUNCILMEMBER GUZMAN: Chair.

MAYOR ARAKAWA: I'm recommending that you withdraw your motion and really think about this before you guys go to a public hearing.

COUNCILMEMBER GUZMAN: Mayor.

MAYOR ARAKAWA: Yeah.

COUNCILMEMBER GUZMAN: I think the...to resolve that is to go forward with...and my suggestion is to go ahead and go forward with the requested three-Member request for the public hearing. And then as we go to the...and the next order is Vice-Chair. And when we get to the adoption of the Council Rules, there's a section in there that says that if there's a request for a public hearing, the Chair shall schedule the public hearing. We can amend it to in the absence of a Chair, the Vice-Chair or Presiding Officer of the Council shall...

MAYOR ARAKAWA: You don't have a Vice-Chair.

COUNCILMEMBER GUZMAN: No, once we get to that.

MAYOR ARAKAWA: Let me point out you don't have a Vice-Chair.

COUNCILMEMBER GUZMAN: We haven't gotten to the rules yet.

MAYOR ARAKAWA: I don't preside over...I don't...

COUNCILMEMBER GUZMAN: I understand that. You only preside under the Charter --

MAYOR ARAKAWA: So once I...

COUNCILMEMBER GUZMAN: --for the Chair but then --

MAYOR ARAKAWA: Right.

COUNCILMEMBER GUZMAN: --the Council Rules then take over. Once we adopt the Council Rules --

MAYOR ARAKAWA: You have no Council Rules.

COUNCILMEMBER GUZMAN: --there's a section...yes, but when we do adopt the Council Rules that...

MAYOR ARAKAWA: You can't have it. You can't adopt Council Rules if you don't have a meeting. And once I step down from here because we're not...I'm only authorized to elect the Chair, once I close the meeting, you're not going to have a mechanism to have another meeting. That's what I'm trying to point out to you.

COUNCILMEMBER KING: Mr. Mayor, just to reiterate, this, in the County Charter, Section 3-5, procedure, meetings, rules and journal. Until such time as a Chair shall be elected, the Mayor shall preside at such meeting, provided that the Mayor shall not have a vote. It doesn't say you can step down just because we haven't elected a Chair. It says you shall preside at the meeting. So, you know, my take on that and, you know, we'll let Corp. Counsel rule and maybe we'll ask for another opinion is that we can go ahead with the next, you know, we got a public hearing request, we can go ahead with the next resolution for a Vice-Chair. And then the Vice-Chair can take over.

COUNCILMEMBER CRIVELLO: Chair. Who arranged the agenda? Isn't the agenda now, E. Resolution No. 17-1? Isn't that what's on the agenda right now?

MAYOR ARAKAWA: Yes.

CORPORATION COUNSEL: Chair.

MAYOR ARAKAWA: I'm going to take a five-minute recess to consult with Corporation Counsel, because I will tell you I am very, very confused, and I believe you're getting yourself into a real big mess. Five-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:23 P.M., AND WAS RECONVENED AT 10:29 P.M., WITH ALL MEMBERS PRESENT.)

MAYOR ARAKAWA: Call the meeting back to order.

Okay. With consultation with our Corp. Counsel, I am going to ignore the three-Member meeting and we're going to go to, back to where we were. I'll accept amendments to the main motion and then we're going to vote.

COUNCILMEMBER GUZMAN: Mayor, can I get a clarification just for the record from Mr. Wong so it's very clear as to why Section 4-2 of Article 4 of the Charter is trumped by the, I believe Section--sorry, I'm losing my spot here--Section 3-5, No. 1.

CORPORATION COUNSEL: Chair, if I may?

We've read the language of 3.5...3-5. I'll read it again and emphasize that the language is specific in the Charter. If the body doesn't want the language, they're welcome to move to amend it during the next elective cycle; however, if you read the language in the Charter, it specifically states that the, January 2nd is the time, at which time it shall elect one of its Members as Chair. Further down, the Council shall elect Vice-Chair. In the event the Chair's absence and disability, that presupposes that there is the existence of a Chair. You cannot get to the Vice-Chair issue until you first deal with the Chair issue. Chronologically and the language as it's written, there is, the time-sensitive nature of this provision requires you to act. That is what causes me to believe that 3-5 needs to be acted on regardless of the provision of 4-2. Three dash five takes precedence.

MAYOR ARAKAWA: Does that answer your question?

COUNCILMEMBER GUZMAN: Yes, thank you.

That was for the record.

MAYOR ARAKAWA: That's for the record.

COUNCILMEMBER GUZMAN: Thank you.

MAYOR ARAKAWA: And again, I'm choosing to follow Corporation Counsel's advice mainly because I see the other route as probably unsustainable and creating all kinds of difficulty for the Council. And I don't want to be in a position where we don't have a Council that can be able to act.

So again, we're back to any amendments to the main motion?

COUNCILMEMBER COCHRAN: Chair.

MAYOR ARAKAWA: Councilmember Cochran.

COUNCILMEMBER COCHRAN: But the three-Member hearing is not...it's still allowed.

MAYOR ARAKAWA: You can have a three-Member hearing after we have the election, but tonight we're going to have the election. And that's what essentially Pat is saying, we will have the election tonight. So you can make amendments to the main motion and I will hear those, but I am disregarding the three-Member motion for a public hearing because I don't believe it's functionally proper.

COUNCILMEMBER COCHRAN: And if both are shalls, does that make a difference? Shall, both are saying --

MAYOR ARAKAWA: Shall.

COUNCILMEMBER COCHRAN: --shalls.

MAYOR ARAKAWA: Shall is you will do.

COUNCILMEMBER COCHRAN: Because one is clearly saying a public hearing shall be held on any proposed ordinance or resolution. Shall...

MAYOR ARAKAWA: Councilmember Cochran, again, I am not going to entertain that. I will entertain motions of amendment to the main motion, and we're going to take a vote on it.

COUNCILMEMBER COCHRAN: And is that...well, I really don't want to accept that.

MAYOR ARAKAWA: As Chairman of this Committee at this time, having to form and having to look at what the Charter requires me to do, I am asking for amendments to the main motion.

Seeing no further amendment...

COUNCILMEMBER KING: Mr. Mayor.

MAYOR ARAKAWA: Yes?

COUNCILMEMBER KING: I would like to make an amendment and this goes to accountability.

I WOULD LIKE TO AMEND 17-1 TO SAY ELECTING MIKE WHITE AS THE CHAIR OF THE COUNCIL FOR THE TERM COMMENCING JANUARY 2, 2017 AND TERMINATING JANUARY 2, 2018.

And I'll speak, if I get a second, I'll speak to that amendment.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Thank you.

MAYOR ARAKAWA: Okay, moved and seconded.

COUNCILMEMBER KING: My purpose in that is that there's been obviously a big split in the Council, and that's been obvious in the last what, four or five amendment votes. I believe that this is directly related to some of the actions that have been taken in the last few weeks, very unfortunate actions. And I think it would give some confidence to ourselves as Councilmembers who rely on the Chair to make fair decisions and the public who has come out and testified against this appointment to at least give us a chance to evaluate after a year and either reappoint or change the Chairmanship. And I know that we can do that anyway if we want to, we can...

MAYOR ARAKAWA: Yes.

COUNCILMEMBER KING: But I would like to see it in this resolution so I'm proposing an amendment. I think that would be a fairer compromise, and we can move forward.

MAYOR ARAKAWA: Okay, you can make any amendment you want. It's been seconded. Comments?

But again, as you pointed out, any five Members of the Council that want to change the Chairmanship can do it at any time. So the motion that you're trying to make really you can do at any time anyway.

COUNCILMEMBER KING: I understand that, but I think this --

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: --gives some confidence to the public that they are being heard and the concerns are being met.

MAYOR ARAKAWA: Okay.

COUNCILMEMBER KING: So it's, I think it's a friendly way to move forward and hold everybody accountable.

MAYOR ARAKAWA: Okay. And again, the same thing would apply if there are five Members of the Council that still want Mike White, it'll still be there.

COUNCILMEMBER KING: Right.

MAYOR ARAKAWA: I mean they, there's no requirement that they not do it. This does not sunset the Chairmanship if the...

COUNCILMEMBER KING: Well, it would sunset the Chairmanship, we would --

MAYOR ARAKAWA: Not if five Members --

COUNCILMEMBER KING: --have to vote again.

MAYOR ARAKAWA: --of the Council want --

COUNCILMEMBER KING: Right.

MAYOR ARAKAWA: --to keep it there.

COUNCILMEMBER KING: I understand.

MAYOR ARAKAWA: So in any case, any other discussion?

If not, roll call vote. Or first the amendment.

ACTING COUNTY CLERK: Mr. Mayor, the amendment would read electing Mike White as Chair of the Council, for a term commencing January 2, 2017 and terminating January 2, 2018, 12 o'clock meridian.

MAYOR ARAKAWA: Okay. Everybody clear on the motion?

Roll call vote.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: NO.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

AYES: COUNCILMEMBERS COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS ATAY, CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

ACTING COUNTY CLERK: Mr. Mayor, three "ayes," six "noes."

MAYOR ARAKAWA: The amendment fails.

Any other amendments before we go to the main motion?

Seeing no other amendments, the main motion please.

ACTING COUNTY CLERK: Mr. Mayor, the main motion is on Resolution 17-1, "ELECTING MIKE WHITE AS THE CHAIR OF THE COUNCIL."

MAYOR ARAKAWA: Everyone clear on the motion?

Roll call vote.

COUNCILMEMBER COCHRAN: Chair. Mayor.

MAYOR ARAKAWA: Yes?

COUNCILMEMBER COCHRAN: I'm still not 100 percent clear in regards to two "shall do" statements in this Charter, and you have chosen that one trumps the other. And where is it that states that you're able to...

MAYOR ARAKAWA: Councilmember Cochran, if you want to challenge it, you can challenge it as much as you want. I'm following the advice of Corporation Counsel and I'm going to take the final vote.

COUNCILMEMBER COCHRAN: And so can I hire my own counsel then to counter this Counsel?

MAYOR ARAKAWA: It's up to you. You guys as a Council...

COUNCILMEMBER COCHRAN: How do I go about that? Because I really believe that this is the right thing to do.

MAYOR ARAKAWA: You as a Council...

COUNCILMEMBER COCHRAN: And it's the open process and due diligence.

MAYOR ARAKAWA: You as a Council can take that action. Tonight --

COUNCILMEMBER COCHRAN: And that is...

MAYOR ARAKAWA: --I'm following my Corporation Counsel's advice and the Charter.

COUNCILMEMBER COCHRAN: And you know what --

MAYOR ARAKAWA: So...

COUNCILMEMBER COCHRAN: --all due respect, Mayor, he's not yours, he's supposed to be all of ours. And that's been an ongoing issue --

MEMBERS OF THE AUDIENCE APPLAUD

COUNCILMEMBER COCHRAN: --here at this Council that he's been there as yours which has been wrong.

MAYOR ARAKAWA: He's also been your Counsel and he's been giving you decisions.

COUNCILMEMBER COCHRAN: Well, you just said it plain as day.

MAYOR ARAKAWA: So most of the time when you're in Council, I am not here, he is representing and giving you advice. So don't go there, Elle, because that's just a red herring --

COUNCILMEMBER COCHRAN: Yeah, whatever.

MAYOR ARAKAWA: --and you know it. It's bullshit.

COUNCILMEMBER COCHRAN: Oh, excuse...

MAYOR ARAKAWA: Roll call vote.

COUNCILMEMBER COCHRAN: Whoa, whoa.

COUNCILMEMBER GUZMAN: Mayor.

MAYOR ARAKAWA: Hey, I call it like it is, bullshit is bullshit. That's all there is to it.

Roll call vote.

UNIDENTIFIED SPEAKER (from the audience): This is . . .*(inaudible)*. . .

ACTING COUNTY CLERK: Council...

COUNCILMEMBER COCHRAN: This...yeah.

COUNCILMEMBER GUZMAN: Mayor.

MAYOR ARAKAWA: Roll call vote.

UNIDENTIFIED SPEAKER (from the audience): . . .*(inaudible)*. . . Mike White.

COUNCILMEMBER GUZMAN: Mayor.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

MAYOR ARAKAWA: The motion...

COUNCILMEMBER GUZMAN: He said no.

COUNCILMEMBER CRIVELLO: Read the motion. Read the motion.

ACTING COUNTY CLERK: Mr. Mayor and Members, the motion on the floor, Electing Mike White as Chair of the Council.

MAYOR ARAKAWA: Okay.

ACTING COUNTY CLERK: Councilmember Carroll.

COUNCILMEMBER CARROLL: AYE.

ACTING COUNTY CLERK: Councilmember Crivello.

COUNCILMEMBER CRIVELLO: YES.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: NO.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: NO.

ACTING COUNTY CLERK: Councilmember Kelly King.

COUNCILMEMBER KING: NO.

ACTING COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: AYE.

AYES: COUNCILMEMBERS CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

ACTING COUNTY CLERK: Mr. Chair, five "ayes," four "noes."

MAYOR ARAKAWA: Okay. Mike White has been elected Chairman of the Council.

COUNCILMEMBER COCHRAN: The Mayor swore at us.

MAYOR ARAKAWA: At this time, it's my duty to ask Council Chair Mike White to take my place to conduct the rest of the business of the Council.

UNIDENTIFIED SPEAKER (from the audience): Disgusting.

UNIDENTIFIED SPEAKER (from the audience): You're not my Mayor.

CHAIR WHITE TAKES THE ROSTRUM

CHAIR WHITE: Thank you, Mr. Mayor.

Members, we're going to take about a three-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:41 P.M., AND WAS RECONVENED AT 10:49 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, may we proceed?

ACTING COUNTY CLERK: Mr. Chair, for the record that was Resolution 17-1.

The following resolution was presented.

RESOLUTION
NO. 17-2

ELECTING ROBERT CARROLL AS THE
VICE-CHAIR OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable Robert Carroll be and is hereby elected Vice-Chair of the Council of the County of Maui for the term commencing January 2, 2017, twelve o'clock meridian, and terminating January 2, 2019, twelve o'clock meridian.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17-2, "ELECTING ROBERT CARROLL AS THE VICE-CHAIR OF THE COUNCIL."

(Councilmember Guzman returned to the meeting at 10:50 p.m.)

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Sugimura.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I request that the resolution be read in its entirety.

CHAIR WHITE: Thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair.

I ask for the Council's support of Resolution 17-2, being that there were some Members who were trying so hard to get him to serve as Chair, so I see no problem for us to get him to be our Vice-Chair.

Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

This has been a long meeting already, and everybody knows the reasons I voted the way I did for Chair. As Vice-Chair if I am elected, I would hope for the same reasons I gave when my name come up, which came up for Chair, I would hope to have the support of the Members and not have this split over here that we've been having. If I am elected, I promise to do my best and I promise to do everything I can working with all the Members of this Council to make sure that we're all heard and that we conduct ourselves in a manner pleasing to not only ourselves which we should feel good about when we do the right thing but to the public. And that we can truly serve our constituency.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

COUNCILMEMBER KING: I have a question actually for Mr. Carroll --

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: --so that we know what we're facing here. Are you also intending not to vote for yourself as Vice-Chair? So just want to know if we're going to have a split here.

COUNCILMEMBER CARROLL: Yes, I will vote for myself as Vice-Chair.

UNIDENTIFIED SPEAKER (from the audience): What?

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Any further discussion?

Seeing none, all those in favor, please signify by saying "aye."

COUNCILMEMBER CRIVELLO: Aye.

COUNCILMEMBER CARROLL: Aye.

COUNCILMEMBER SUGIMURA: Aye.

CHAIR WHITE: Those opposed say "no."

COUNCILMEMBER COCHRAN: No.

COUNCILMEMBER CRIVELLO: Roll call.

CHAIR WHITE: Roll call please, Mr. Clerk.

ACTING COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: AYE.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: YES.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: NO.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

ACTING COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS ATAY, CARROLL, CRIVELLO, HOKAMA, SUGIMURA, AND CHAIR WHITE.

NOES: COUNCILMEMBERS COCHRAN, GUZMAN, AND KING.

ACTING COUNTY CLERK: Mr. Chair, you have six "ayes" and three "noes."

CHAIR WHITE: Thank you, Mr. Clerk.

The measure passes.

Mr. Clerk, please proceed.

ACTING COUNTY CLERK: For the record, Resolution 17-2.

The following resolution was presented.

RESOLUTION
NO. 17-3

APPOINTING STACY HELM CRIVELLO AS THE
PRESIDING OFFICER
PRO TEMPORE OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable Stacy Helm Crivello be and is hereby appointed Presiding Officer Pro Tempore of the Council of the County of Maui for the term commencing January 2, 2017, twelve o'clock meridian, and terminating January 2, 2019, twelve o'clock meridian.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17-3, "APPOINTING STACY HELM CRIVELLO AS PRESIDING OFFICER PRO TEM OF THE COUNCIL."

COUNCILMEMBER SUGIMURA:

I SECOND THAT.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Chair, I would ask that the Clerk read the resolution in its entirety.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

A lot of people don't even know what this position is but it's a very important position. Many times the Chair and the Vice-Chair are not present, and it's really necessary to have this pro tem position. Because when things come up, papers need to be signed and things are very time-sensitive, it can really save the day. And I believe she is the right person for the job.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on the motion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN:

I MOVE TO AMEND THE MAIN MOTION BY REPLACING THE NAME OF STACY CRIVELLO WITH MR. DON GUZMAN.

COUNCILMEMBER GUZMAN: Respectfully decline.

Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN:

I MAKE A...I MOVE TO AMEND THE MAIN MOTION BY REPLACING THE NAME OF STACY CRIVELLO WITH MS. KELLY KING.

CHAIR WHITE: Is there a second? Without a second the motion fails

Any further discussion, Members? Or any further amendments, Ms. Cochran?

COUNCILMEMBER COCHRAN: I request a three-Member hearing.

CHAIR WHITE: Well, we've been down that road before.

COUNCILMEMBER COCHRAN: And we'll go down it again.

CHAIR WHITE: The Chair agrees with the Corp. Counsel ruling earlier that the positions need to be taken care of at this meeting, and we can discuss that item on some of the other issues before us.

Any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

In light of Ms. Cochran's request, can I request Corporation Counsel for a written opinion so if Ms. Cochran believes that she needs to motion for a special counsel or another opinion then we have an opinion, a written opinion.

CHAIR WHITE: Sure.

COUNCILMEMBER GUZMAN: Okay, thank you.

CHAIR WHITE: That's fine. Corp. Counsel, you can...

CORPORATION COUNSEL: Chair, if I may?

There actually is a Corporation Counsel opinion dated February 13, 2003, that addresses this particular matter as it relates to the sections that were raised. So I'd simply like to refer the body to the previous Corporation Counsel opinion generated in February 13, 2003. It's a 45-page opinion.

COUNCILMEMBER GUZMAN: Chair, can we --

CHAIR WHITE: Would you...

COUNCILMEMBER GUZMAN: --have a copy of that --

CORPORATION COUNSEL: Sure.

COUNCILMEMBER GUZMAN: --forwarded to Ms. Cochran's Office?

Thank you.

CHAIR WHITE: Yes. Thank you for that request.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Mr. Chair, thank you for digging that up from 2003. But how do I know that it truly pertains to the situation we had today? I would still want this day and time to be noted, and the question that's been on the floor and the situation at hand and then have a new, fresh opinion on it.

CHAIR WHITE: Yeah, the Chair would...

COUNCILMEMBER COCHRAN: If it...

CHAIR WHITE: The Chair agrees with you, Ms. Cochran. If the opinion that the Corp. Counsel's referring to is not specifically on point to your question then we will request that he provide us an opinion.

COUNCILMEMBER COCHRAN: Okay, very good. Thank you for that clarification.

CORPORATION COUNSEL: Chair, if I may?

CHAIR WHITE: Yes?

CORPORATION COUNSEL: In order so that there is no unclear response, can I ask that the Member place that request in writing to the Department?

CHAIR WHITE: I think that's a fair request, if you don't mind, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair.

So you want my office to do that or the notes, minutes that had been taken today wouldn't suffice in creating a --

CHAIR WHITE: I think...

COUNCILMEMBER COCHRAN: --memo from your office, the Chair of this --

CHAIR WHITE: I think to be fair...

COUNCILMEMBER COCHRAN: --Council to this Corporation Counsel?

CHAIR WHITE: I think to be fair it's appropriate for...you can work with your staff or you can work with our Legislative Attorneys to draft that. But I think it's better if we have a clear question from you so that the answer is more, you know, more focused.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Okay.

Any further discussion on this item?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: I didn't hear any "noes" so that, nine "ayes" and zero "noes." Thank you.

Mr. Clerk.

ACTING COUNTY CLERK: Mr. Chair, for the record, that is Resolution 17-3.

The following resolution was presented.

RESOLUTION
NO. 17-4

ADOPTING THE RULES OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that it does hereby adopt the Rules of the Council as set forth in Exhibit "A", attached hereto and made a part hereof.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT RESOLUTION 17-4 BE ADOPTED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama with a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I believe Staff has given each Member a Ramseyer-formatted copy of the changes of the rules. If you would look under Rule 2, the proposed change is to just simply state as the Charter requires the Council to meet twice each month. The difference is that we've stricken out the first and third Fridays of each month whereby each occasion we have had to have specific resolutions to adjust the first and third Friday of each month due to either a conference, State or Federal holiday. And this just makes it very clear that we will meet twice a month to conduct the people's business.

The other component that you will see changed is the lineup of the order of business under Rule 12. Committee reports is now being recommended to come after communications. It's been our experience that many times during the Council agenda and the business of the Council, there are communications that impact the committee report. And I believe that this will help us take it in a better sequence of revisions and amendments that Members pose prior to taking up the actual committee report.

Other than that, duration of testimony, we have it up to three minutes and a testifier may be allowed one minute to conclude on the item is the change.

Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, discussion?

I will point out that these are just a couple of housekeeping changes. I guess that's all in the eye of the beholder. But the Staff has recommended much more significant changes to the rules, and that will be taken up later in committee. It's, we felt that it was way too many recommended changes to take up this evening. So these are...

COUNCILMEMBER KING: Mr. Chair. Over here.

I'd like to...can I make an amendment at this time?

CHAIR WHITE: Yeah.

COUNCILMEMBER KING: Okay.

I'D LIKE TO...I MOVE TO AMEND THE COUNCIL RULES SO THAT...PROPOSED COUNCIL RULES ON PAGE 14...

CHAIR WHITE: Oh, I'm sorry. Before you proceed, I don't believe we had a second or I...

COUNCILMEMBER KING: Oh.

CHAIR WHITE: If we did, I didn't state it.

COUNCILMEMBER KING: I thought we couldn't go into discussion until we had a second.

COUNCILMEMBER CRIVELLO: I did. I can...I mean I seconded it.

COUNCILMEMBER HOKAMA: I thought Ms. Crivello made the second.

COUNCILMEMBER CRIVELLO: I seconded it.

CHAIR WHITE: That's what I thought.

COUNCILMEMBER KING: I think she seconded it.

CHAIR WHITE: Mr. Clerk, it's getting late.

Okay, so we had a motion from Mr. Hokama and a second from Ms. Crivello.

COUNCILMEMBER CRIVELLO: Right.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Ms. King, please proceed.

COUNCILMEMBER KING: Okay, thank you.

YES, I MOVE TO STRIKE THE WORD "MAY" AND RETAIN THE WORD "SHALL."

And if I get a second on the amendment, I'll speak to it.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Thank you.

We saw today that this is a pretty touchy subject, and I would not want to get into arbitrary decisions on who can speak two minutes and who can speak three minutes, and I think it's clearer this way. It's a comfort level for the public, they know what to expect, and not...and they know that they don't need to expect to show up and have the time of...that they can testify be arbitrarily changed. So my recommendation is to leave it. The testifiers shall be allowed one minute to conclude the testimony on the item.

CHAIR WHITE: Members, other discussion on the amendment?

I think all of us chairs that conduct meetings treat this fairly. You know we...I don't recall ever having a situation where one group has been allowed an extra minute and others have not. We generally have tried to standardize it so that everyone's getting...our goal is to have everybody have the same amount of time to testify.

COUNCILMEMBER KING: Yes, I understand that. But I think in...I mean I was a little put off to tell you the truth to this afternoon when we started testimony, and I know it wasn't our regular chair format. But the decision to arbitrarily cut people's testimony

to two minutes and the statement that yes, I can do that was a little alarming to me. So I would just, you know, feel like there's a better comfort level for myself and for the public if we keep the word "shall" in there.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: That's my proposal.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair. Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, I agree, that current language has worked very well. I believe there's been...the presiding chair as you say on each committee has been very fair. And we've collectively stated if need be we shorten and of course at times we do lengthen. So I think there's really no need to change existing language and I'd like to keep it as is. Or I support Ms. King's amendment.

CHAIR WHITE: Okay. Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Well, Chairman, you know, part of the cleanup of this language if the Members would take a look, we are stating our rules that the presiding officer of the meeting, so if it's the Council would be you, if it's a committee meeting it would be one of the eight of us. The presiding officer if approved, that means the presiding officer has discretion, then you have one minute to conclude. But if you don't need the presiding officer to approve it then I would say maybe that's the point of the proposal. Do you want the presiding officer to have flexibility or not to gauge the ability of everyone having a fair opportunity to share comment? So for me, I still feel that the proposal as put forward originally still makes the better sense since we allow the presiding officer to make that call at that point in time.

Thank you, Chairman.

CHAIR WHITE: Any further discussion?

So we're voting on the amendment to leave the wording "shall."

So if no further discussion, all those in favor, please signify by saying "aye."

COUNCILMEMBER KING: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no."

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR WHITE: Roll call vote please.

ACTING COUNTY CLERK: Council Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

ACTING COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

ACTING COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: YES.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

ACTING COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

ACTING COUNTY CLERK: Council Chair White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL AND CHAIR WHITE.

ACTING COUNTY CLERK: Mr. Chair, four "ayes," five "noes."

CHAIR WHITE: Okay, the amendment fails.

Members, any further discussion on this item?

COUNCILMEMBER ATAY: Council Chair.

CHAIR WHITE: Seeing none, all those in favor...

COUNCILMEMBER ATAY: Council Chair.

CHAIR WHITE: Oh, I'm sorry. Mr. Atay.

COUNCILMEMBER ATAY: Yeah, in regards to Rule 2 under, what was that, Paragraph B where the recommended change was to go to twice each month and this is for regular meetings. Originally it was every first and every third Friday. Could there be like what if you interpret this and just have two regular meetings in the same month, I mean in the same week? Can you have time so that we could have enough time in between the next meeting?

CHAIR WHITE: Yeah, generally that wouldn't happen because we need time for posting, we need time --

COUNCILMEMBER ATAY: Yeah.

CHAIR WHITE: --for committee meetings. The reason for this change is that every year because we don't know exactly when...well, NACo may fall --

COUNCILMEMBER ATAY: Yeah, yeah.

CHAIR WHITE: --on either a meeting Friday, same thing with a number of other conferences and holidays. So this simply gives us the flexibility to schedule in accordance to the point where we don't have to pass a reso every time we have a conflict between the meeting date and a State holiday or a conference that people would want to get to. So this is...we will generally have them two weeks apart, but this just gives us the flexibility of moving into the second week and the fourth week instead of the first and third.

Ms. Cochran.

COUNCILMEMBER COCHRAN:

CHAIR, I'D LIKE TO MOVE TO AMEND SECTION B-2, LAST SENTENCE. AN INDIVIDUAL'S REQUEST TO TESTIFY, REMOVE "SHALL" WITH "MAY" BE DEEMED WITHDRAWN IF THE INDIVIDUAL DOES NOT ANSWER WHEN CALLED TO TESTIFY.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COCHRAN: Then I can explain.

COUNCILMEMBER KING: Chair, I'm sorry. Can you --

COUNCILMEMBER COCHRAN: Oh, here.

COUNCILMEMBER KING: --clarify that?

COUNCILMEMBER COCHRAN: So the...

CHAIR WHITE: Ms. Cochran, please repeat.

COUNCILMEMBER COCHRAN: You have the Page 2-B, No. 2, that paragraph that we've been working on just now.

COUNCILMEMBER KING: Right.

COUNCILMEMBER COCHRAN: So the last sentence in that paragraph which says an individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. As you can see today --

COUNCILMEMBER KING: Yeah, no, I'm sorry.

COUNCILMEMBER COCHRAN: --a big lineup. So I want to take out "shall" because that makes it a gotta, gotta deem them and change it to "may." May.

COUNCILMEMBER KING: Okay. So I think I'm on the, I'm on Page 2 --

COUNCILMEMBER COCHRAN: Oh, sorry.

COUNCILMEMBER KING: --but it's not...

COUNCILMEMBER COCHRAN: Rules of the Council?

CHAIR WHITE: The last sentence.

COUNCILMEMBER KING: Oh, okay. This is the one that was --

COUNCILMEMBER COCHRAN: The Ramseyered...oh, sorry.

COUNCILMEMBER KING: --just handed to us.

COUNCILMEMBER COCHRAN: The Ramseyered version --

COUNCILMEMBER KING: Oh, okay.

COUNCILMEMBER COCHRAN: --of the Rules --

COUNCILMEMBER KING: Okay, I'm sorry.

COUNCILMEMBER COCHRAN: --of the Council, second...it's just the one...two sides, one pager, second page, last paragraph, last sentence. So again, an individual's request to testify, it currently states "shall" be deemed withdrawn if the individual does not answer when called to testify. And I'm looking to make it more flexible by taking out "shall" to a "may."

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Okay. We have a motion from Ms. Cochran and a second from Ms. King to make that suggested on the last sentence.

Any further...Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I'll support the motion to amend because many times in my meetings somebody has just gone to the bathroom or just outside and we call somebody else and they come right back inside, and then we call them forward because they weren't there. This other one would eliminate that flexibility. So I support the amendment on the floor.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, thank you.

And that's my point exactly, people have to move their car because of the two-hour limit parking, what have you. So I think to make it flexible and fair for our testifiers and the public, that it shouldn't be a deemed they're wiped off the list but may due to circumstances, they're okay, they can come back and testify. So that's my reasoning.

Thank you.

CHAIR WHITE: Yeah, I think the...I mean you all have chaired meetings where you've had people go have to move their car, and you've all been very, you know, very good about taking testifiers whose name was called and they weren't in attendance and they come back. We sometimes are able to get them right back in line, sometimes they have to wait a little bit. So I think this is a, you know, reasonable amendment.

Any further discussion, Members?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, KING, GUZMAN, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: The measure passes with nine "ayes" and zero "noes."

Mr. Clerk.

ACTING COUNTY CLERK: Mister...

CHAIR WHITE: Oh, we're back to the main motion.

Any further amendments, Members?

Okay.

ACTING COUNTY CLERK APPROACHES THE CHAIR

ACTING COUNTY CLERK: . . .*(inaudible)*. . .

CHAIR WHITE: Yeah, I believe so. Yeah.

So we're back to the main motion to pass the initial recommended amendments with, or as amended with the change that Ms. Cochran noted. So any questions on what we're voting on?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, KING, GUZMAN, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes."

Mr. Clerk.

ACTING COUNTY CLERK: For the record, Resolution 17-4.

The following resolution was presented.

RESOLUTION
NO. 17-5

ESTABLISHING THE STANDING COMMITTEES
OF THE COUNCIL, DEFINING THEIR DUTIES,
AND APPOINTING THEIR MEMBERS

BE IT RESOLVED by the Council of the County of Maui that the following standing committees of the Council are established for the 2017-2019 Council term:

Budget and Finance Committee

Housing, Human Services, and Transportation Committee

Infrastructure and Environmental Management Committee

Land Use Committee

Parks, Recreation, Energy, and Legal Affairs Committee

Planning Committee

Policy, Economic Development, and Agriculture Committee

Water Resources Committee

BE IT FURTHER RESOLVED by the Council of the County of Maui that, to expedite the business of the Council, the standing committees of the Council shall consider and make recommendations on all matters referred to such committees as follows:

1. Budget and Finance Committee

   a. Financial and performance audits.

   b. Budget, capital program, bond authorizations, intergovernmental agreements with a financial impact on

the annual budget, including intergovernmental loans, and the finance component of all county grants.

c. Taxes, rates, fees, and assessments for inclusion in the budget, except that revenue ordinances may also be considered by other standing committees.

d. Revisions and updates to real property tax ordinances.

e. Operations of the Department of Finance; the Department of Personnel Services, including salaries and collective bargaining cost items; and the Community Development Block Grant program.

f. Appointment of the County Auditor for a term as specified in the Revised Charter of the County of Maui (1983), as amended; review and comment upon the annual Audit Plan issued by the Office of the County Auditor; and review of audit findings and recommendations set forth in written reports of the County Auditor.

2. Housing, Human Services, and Transportation Committee

a. Social services programs and related grants, including grants of interests in real property.

b. Affordable or residential workforce housing programs, excluding expedited approvals of housing projects pursuant to Chapter 201H, Hawaii Revised Statutes, or any successor statute.

c. Amendments to the Residential Workforce Housing Policy and other affordable housing ordinances.

d. Homeless programs and related matters.

e. Proposals for increasing the availability or affordability of housing.

f. Amendments to the Subdivision Ordinance and Building and Construction Codes.

g. Operations of the Department of Housing and Human Concerns and the Department of Transportation,

including the operational oversight of any grants they administer.

3. Infrastructure and Environmental Management Committee

   a. County facilities construction and maintenance (including road, drainage, and waste management systems), except for water supply and energy issues.

   b. Traffic safety.

   c. Issues relating to the protection, preservation, and enhancement of the environment, except for energy issues, but including recycling.

   d. Operations of the Department of Environmental Management and the Department of Public Works and the operational oversight of any grants they administer.

4. Land Use Committee

   a. Project-specific amendments of State land use district boundaries, the General Plan, community plans, and zoning ordinances.

   b. Other land use approvals requiring Council review and approval such as variances and conditional permits.

   c. Expedited approvals of housing projects pursuant to Chapter 201H, Hawaii Revised Statutes, or any successor statute.

   d. Land use ordinances not specific to a project.

5. Parks, Recreation, Energy, and Legal Affairs Committee

   a. Cultural, leisure, and recreational issues.

   b. Energy issues (including solar, geothermal, wind, biomass, hydropower, wave energy production, bio-fuel and synthetic fuel production, power systems, and energy-efficient technologies for buildings).

c. Litigation matters, including appointment of special counsel, indemnification, and authorization of settlement.

d. Operations of the Department of Parks and Recreation and the operational oversight of any grants it administers; the Department of the Corporation Counsel, including ethics regulations; the Department of the Prosecuting Attorney; and the Office of Economic Development's Energy Office.

6. Planning Committee

a. Processing procedures for the General Plan and community plans.

b. Revisions to and updates of the General Plan and community plans that are not specific to a project, including the Countywide Policy Plan, Maui Island Plan, and community plans.

c. Infrastructure impact fees based on long-range plans.

d. Implementation of the digital mapping project including review and adoption of digital land use maps by ordinance.

e. Operations of the Department of Planning, including the operational oversight of any grants it administers.

7. Policy, Economic Development, and Agriculture Committee

a. Intergovernmental issues, including the Hawaii State Association of Counties and non-financial intergovernmental agreements.

b. Appointments of executive branch officials, including board and commission members.

c. Business and economic development issues, including agriculture.

d. Issues involving the responsibilities of two or more standing committees.

e. Operations of the Office of the County Clerk and the Office of Council Services.

f. Amendments to the Charter and oversight of implementing amendments passed in the previous election.

g. Operations of the Emergency Management Agency; the Department of Fire and Public Safety; the Department of Liquor Control; the Department of Management; the Department of Police; the Office of the Mayor, including the Office of Economic Development and operational oversight of any grants it administers, but excluding the Community Development Block Grant program, and the Energy Office; and the Maui Metropolitan Organization.

8. Water Resources Committee

a. Amendments to and enforcement of the County Water Code, including the Water Use and Development Plan.

b. Operations of the Department of Water Supply, including operational oversight of any grants it administers.

BE IT FURTHER RESOLVED by the Council of the County of Maui that the following voting members are appointed to the various standing committees of the Council:

1. Budget and Finance Committee

Riki Hokama, Chair
Mike White, Vice-Chair
Alika Atay
Robert Carroll
Elle Cochran
Stacy Crivello
Don S. Guzman
Kelly King
Yuki Lei Sugimura

2. Housing, Human Services, and Transportation Committee

Stacy Crivello, Chair

Robert Carroll, Vice-Chair
Alika Atay
Don S. Guzman
Yuki Lei Sugimura

3. Infrastructure and Environmental Management Committee

Elle Cochran, Chair
Don S. Guzman, Vice-Chair
Robert Carroll
Riki Hokama
Mike White

4. Land Use Committee

Robert Carroll, Chair
Riki Hokama, Vice-Chair
Stacy Crivello
Don S. Guzman
Kelly King

5. Parks, Recreation, Energy, and Legal Affairs Committee

Don S. Guzman, Chair
Kelly King, Vice-Chair
Robert Carroll
Stacy Crivello
Elle Cochran
Riki Hokama
Yuki Lei Sugimura

6. Planning Committee

Kelly King, Chair
Yuki Lei Sugimura, Vice-Chair
Alika Atay
Stacy Crivello
Mike White

7. Policy, Economic Development, and Agriculture Committee

Yuki Lei Sugimura, Chair
Stacy Crivello, Vice-Chair

Alika Atay
Elle Cochran
Riki Hokama
Kelly King
Mike White

8. Water Resources Committee

Alika Atay, Chair
Elle Cochran, Vice-Chair
Robert Carroll
Yuki Lei Sugimura
Mike White

BE IT FURTHER RESOLVED by the Council of the County of Maui that all Council members who are not voting members of a standing committee shall serve as non-voting members of the committee and may participate in the proceedings, but shall not be counted toward quorum for the committee.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT RESOLUTION 17-5 BE ADOPTED.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, I believe I would ask Staff to hand out a consideration that I would like to present to the Members at this time.

Mr. Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

I WOULD LIKE TO MOVE TO AMEND THE MAIN MOTION BY REPLACING THE ORIGINAL RESOLUTION WITH THE RESOLUTION THAT HAS BEEN JUST PASSED OUT TO THE MEMBERS AS A SUBSTITUTION. UPON HEARING VARIOUS COMMENTS AND TESTIMONY, I HAVE PRESENTED THE MEMBERS WITH A REVISED VERSION OF THE COMMITTEE AND ITS MAKEUP, AND THAT'S MY MOTION.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama with a second from Ms. Sugimura.

COUNCILMEMBER HOKAMA: Mr. Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask that you take a short recess to allow the Members a chance to review the proposal please.

CHAIR WHITE: I'd be happy to do that. And for those who are listening, actually it would be helpful to know that the number of members on each committee has been adjusted. We listened to what the comments were. And I have to take full responsibility for the reduction to five members on committees. I did so because we often have challenges with quorum, and we also felt that by giving people less committee time that they needed to commit to, that they would have more time to do the very laborious work of doing their committee work on the issues that are in their own committee. So it was not to reduce the participation but rather to increase the amount of time that you have to work on legislation which then is presented to your committee. So I'm fine either way. This just means that you will have a little bit less time to work on the things that you are primarily responsible for. But essentially, we are...you'll see that we have three committees with nine members and...or, Mr. Hokama, is it three --

COUNCILMEMBER HOKAMA: Three.

CHAIR WHITE: --or four? Anyway, Members, you can look through, we have a mix of nine-member committees and seven-member committees. So please take a look at it.

We'll be in recess for --

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: --five minutes.

COUNCILMEMBER COCHRAN: Chair. Sorry.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER COCHRAN: Is there copies for public to see?

CHAIR WHITE: I think we made some extra, I'm not sure. Staff, do you have...yeah, we'll make more.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR WHITE: Thank you.

We're in recess until 11:25.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:18 P.M., AND WAS RECONVENED AT 11:29 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order.

Members, let's proceed with the review of the resolution.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman...

CHAIR WHITE: Oh, and by the way, before you start, Mr. Hokama, Mr. Baz has just mentioned that he's posted the copy of what we're looking at on our website if anyone would like to go and take a look at it.

COUNCILMEMBER HOKAMA: Okay, thank you, Chairman.

CHAIR WHITE: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we've heard comment about committee makeup, committee sizes. Your proposal obviously gave much discussion on how other jurisdictions operate. The City and County of Honolulu operates with five-member committees for a population of a million people, except for either Policy, their Policy or what is considered Committee of the Whole.

I think this proposal is another way to approach it instead of only five Members or all nine Members. As you stated earlier, Mr. White, this will allow more Members to participate in more committees. And from a participant perspective, that's a good thing. The ability though to be prepared as my neighbor to the right of me mentioned, the due diligence and the preparedness for those meetings take time. And especially if you're chairing a committee and your desire to put forth proposals for your committee to consider, again, it's a balance of the amount of time you have versus the amount of meetings you need to attend as well as still yet take care of your district requirements. I have my, let's say, druthers about the ability of all of us to be able to handle all this committees, but I'm willing to give it a shot. Or make all nine committees and just reduce the amount of committees is another way to approach it.

But this is a proposal I've put forward to the Members, and it's open to comment and adjustments so I leave it to the other Members of the body.

Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: . . .*(inaudible)*. . .

CHAIR WHITE: Your microphone.

VICE-CHAIR CARROLL: That helps.

I've reviewed this and I think this especially with the comments of the public and the concerns, and the way we've done business before, I think this is appropriate. I think it is difficult at times. At one time, I was on every committee and they had a similar breakdown, and it can get difficult for your timing and it requires some more work. But I think all of us when push comes to shove, are willing to do this. I am and I'll speak for everybody else, I think everybody else is willing to spend the time in order

to make it more open for all the Members and have the Members especially on the nine-member committees which I think are crucial, the ones that have been proposed, to be able to really serve the community and especially to serve their constituency in their, the areas that they represent. So I fully support what's on the floor, and I would hope that everybody else would support it too.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Seeing none...

COUNCILMEMBER KING: Oh, there's --

CHAIR WHITE: Oh.

COUNCILMEMBER KING: --several microphones.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I don't think that everybody heard the public and in totality, and it doesn't help to pick and choose pieces of what the public said. Sure they said they wanted more people on here, but there was, there were also a lot of comments about the makeup of these committees and how they don't make sense. I mean Parks, Recreation, Energy, and Legal Affairs. Some of these, the configurations need to be looked at.

Part of the protests also, not just on the part of the public but on the part of the Councilmembers is the lack of input that Councilmembers have had in delineating the committee titles and duties, and as well as the membership. So I would not support this amendment at this time.

And I would like to call for a public hearing for this resolution and look at other options. And give the public a chance to see what's been put forth. I also had an amendment to the committee structure and, you know, that could be discussed, that could be put out as well. But I think it would be good for the public to have a chance to directly comment on this, aside from all the other issues on the table today. So if I can get two other votes of support for a public hearing then I think we should move to have it.

CHAIR WHITE: Do we have three other or two other Members? Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes, I request a three-Member hearing.

CHAIR WHITE: One more.

COUNCILMEMBER ATAY: I'll be the third to request it.

CHAIR WHITE: Okay, thank you.

Okay, this one...Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would just ask the Members one consideration. I understand the request, I would just ask if we can carve out Budget and Finance since all nine Members will be on this committee for potential requirements of grants, receiving of funds, as well as settlements and claims. I would like this committee to be able to operate as soon as possible. And even if the Members do agree tonight, the earliest your committee could meet is either end of the month or first thing in February. And after that, we're going into Budget session. I would ask the Members if they have no concern about the makeup of the Budget and Finance Committee that that be excluded from the request for public hearing.

Thank you.

CHAIR WHITE: And I will point out that we've taken a look at the schedule, and the first dates available for a three-Member public hearing would be the 16th and 17th of January. So that, this does push back the operation of the committees. But the Chair is willing to do that because it is the right of any three Members to request a public hearing.

I do think Mr. Hokama brings up a good concern that needs to be discussed. Any thoughts on Mr. Hokama's request?

COUNCILMEMBER KING: Yeah, I do. Because, you know, I went through what the existing committees were for the last two years and what the proposed committees were for this next two years and the duties have changed. And so I think those things need to be looked at and justified. Added to the Budget and Finance were appointment of the County Auditor which was not in that committee before. There was a Community Development Block Grant program, I'm not sure why that's not in Economic Development. But those are issues I would like to have, be part of that

public hearing. So I would request to keep all this, these committees in that public hearing.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

Just speaking about my Committee, what would be my Committee if this is approved. The Land Use Committee has nine Members on it. The Land Use Committee it's very clear what have. I'm already looking, I was thinking to go over there tomorrow and poll for the first meeting because we'd like to go to Lanai. I have also the agenda on the other things that need to be handled before Budget. I would hope that the Members could agree for the Land Use Committee, since all nine Members are on it and it's very clear what...and concise what Land Use Committee does, if they would consider okaying the Land Use Committee at this meeting. It shouldn't have any effect on what else because nobody's going to add anything else to the Land Use Committee or take it away.

COUNCILMEMBER KING: Chair. If I may respond?

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Somebody did add something to the Land Use Committee. They took it out of Planning and put it in Land Use, and so that was another concern I had. Land Use ordinances not specific to a project used to be in the Planning Committee and they were put into Land Use. So that's why I think all this needs to be looked at holistically and not, don't jump the gun and just automatically approve these.

You know these weren't, these changes weren't explained to at least four of us on this Council, and it's hard for us to explain to our constituents what was done and why because there's no justification in this proposal. So that's why I'm proposing a public hearing on all of these committees so that we can find out, you know, we can get an explanation for why the changes happened from this previous two years and what the intent was.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: I understand your concerns but I feel that especially the committee that we have, the Land Use Committee to handle the applications that we need to go over before Budget, it is going to really negatively impact a lot of people that really shouldn't be negatively impacted. It's going to make it very difficult. And we're not talking about corporations over here or anything else, we're talking about people. I'll just leave it at that and I'll leave it up to the Members having heard Ms. King and my remarks to which way they want to go.

Thank you.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I just want couple of point of clarifications. So, you know, the reso has names in red so is that the additional names on it or is it just non-voting members?

CHAIR WHITE: All the changes are in red. If there's a line through the name it's a deletion from that committee. If it's underlined in red it's an addition.

COUNCILMEMBER ATAY: Okay. But if they're...okay, so then of the members in the committees, which ones would be non-voting members?

CHAIR WHITE: No, no. If you're on the committee they're all voting members.

COUNCILMEMBER ATAY: Okay. And then...

CHAIR WHITE: So we now have four committees with nine voting members and we have four committees with seven voting members.

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: Under this proposal.

COUNCILMEMBER ATAY: Yeah. And then just like how we got presented in the Rules of Council, you know, there was a highlight of what were the changes and what's going to be the recommended additions. You know so when you change the different committees, could there be, have highlighted what was changed from one committees, moved to another committee?

CHAIR WHITE: If we're moving to a three-Member public hearing --

COUNCILMEMBER ATAY: Yeah. Okay.

CHAIR WHITE: --then any Member is able to post a --

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: --you know, a modification.

COUNCILMEMBER ATAY: Yeah.

CHAIR WHITE: At least...am I correct in that, Mr. Wong?

CORPORATION COUNSEL: Chair, the requested public hearing would be noticed as any other agendized Council meeting or committee meeting; therefore, yes, the Member would be able to post proposed changes --

CHAIR WHITE: Right.

CORPORATION COUNSEL: --complying with Sunshine Law.

CHAIR WHITE: And to Mr. Hokama's question, is...and Mr. Carroll's question, is there...the question in my mind is whether or not we can take those two committees out if there's a request for a three-Member public hearing? It wouldn't appear to me that that's an easy option, but...

CORPORATION COUNSEL: Well, functionally and operationally the body needs to decide by vote whether or not it will carve out those particular items. There's, appears to be a request for it and a reasonable business operational reason for it. It's just whether the body by majority vote will decide to allow that to occur.

COUNCILMEMBER KING: Chair, I believe that I called for a public hearing and we have three Members who requested that. And all of us requested the public hearing on this document which includes all the committees. So I would just...

CHAIR WHITE: Yes. What I'm trying to get a sense of is in my view even if we were to carve two out and pass them today, it doesn't take away the opportunity to have a public hearing and put them up for that same review. So I...there's a concern on my part, especially in Budget and Finance that if we're not authorizing them to proceed, there may be things that we, you know, we are going to wish we had the opportunity

to deal with. And same thing in litigated matters, if we don't have Mr. Guzman's Committee in operation, we may not be able to respond to settlement discussions.

So that...Mr. Wong, if we carve out three of the committees currently, can those three committee descriptions still be a part of the three-Member public hearing?

CORPORATION COUNSEL: Chair, there's nothing that precludes you from or the body from addressing those concerns and reorganizing the composition of those committees and/or the topics that are related to those particular committees. So the answer is you are allowed to do it.

COUNCILMEMBER GUZMAN: Yeah. Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yeah, thank you.

Yeah, you would be able to carve them out, but then you would have to pass them on a reso, resolution and that would be a second resolution which then if a three-Member request on that resolution goes through then you're stuck in the same boat as the full reso. Just wanted to point that out. That yes, I believe, I agree with Mr. Wong that you can carve them out, but then how do you pass them? You'd have to pass them through a reso, those three committees.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: And then at that time when that reso is before us, you're again subject to a three-Member request if three Members request it.

COUNCILMEMBER KING: Chair, if I may? You know the intent of this is to slow us down and not pass something that some of us might regret due to the different composition of the committees. I understand that there's a timeline but unfortunately those of us who have not been privy to this document before it went public and don't understand what these changes were about, it appears that some of the teeth have been taken out of some of the committees and put into others. And so I'd like to get a chance to explore why that happened.

CHAIR WHITE: No, I certainly understand.

COUNCILMEMBER KING: So yeah, I mean that's...

CHAIR WHITE: I understand your direction.

COUNCILMEMBER KING: And so I think carving these out doesn't help, because the committees you're talking about have had things added to them that have not been explained yet.

CHAIR WHITE: And I --

COUNCILMEMBER KING: And not been justified.

CHAIR WHITE: --understand your point.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: I'm just trying to get a sense of whether we are able to carve them out but at the same time take the full complement of the reso into public hearing.

Mr. Wong.

COUNCILMEMBER KING: But you don't have a committee yet, I mean the committees haven't been approved yet, so and I'm not sure how you can meet, right?

CHAIR WHITE: Well, no, if we were to approve two or three committees, my concern is I don't want to approve two or three committees tonight if that negates our ability to hold a three-Member public hearing on the entire document that we're looking at now.

So I don't know, Mr. Wong, whether you can allay my concerns or not.

CORPORATION COUNSEL: Chair, at the moment, you know, without doing further research, I would opine that there's nothing that precludes you or this body from having those items that are carved out still discussed as part of the public hearing once you schedule it. I mean that's the best way I can answer it at this time.

COUNCILMEMBER KING: Chair. I did discuss this with legal counsel of the Council Services, and the opinion was that once a decision has been made, you cannot have that public hearing. And so I would --

CHAIR WHITE: You mean...

COUNCILMEMBER KING: --ask for another opinion. So in other words, if we go ahead and pass those three committees, it's moot, there's no public hearing on those three committees.

CHAIR WHITE: Is that correct, Mr. Wong?

CORPORATION COUNSEL: Chair, I'm reading through the 2003 opinion that was generated by my predecessor and I'm not quite completely through it. If you want to take a short recess, I can complete this portion of it and give you an opinion after that.

CHAIR WHITE: Yeah, I think it's important enough for us to know what the impact is. So we'll take a recess at the call of the Chair. Please don't leave the Chambers.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:48 P.M., AND WAS RECONVENED AT 12:03 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order.

Members, it's the Chair's feeling that it is better that we not try to pass a portion or, well, portions of this bill. I think it's more important that we keep the bill as is and honor the three-Member public hearing request for the entire bill.

So, Mr. Hokama, it's up to you whether you want to leave your substitution on the table or withdraw it. It's up to you.

COUNCILMEMBER HOKAMA: Well, since we've had the three Members requesting the hearing, Chairman, I think it's cleaner that I withdraw my proposal and that we post for the hearing what we agendized for today's meeting. So --

CHAIR WHITE: Okay.

COUNCILMEMBER HOKAMA:

--I'LL WITHDRAW MY MOTION.

CHAIR WHITE: Okay. Members, with that, we move to the next item.

COUNCILMEMBER KING: Chair. Chair, just a question.

CHAIR WHITE: Yes?

COUNCILMEMBER KING: Can we...I think we, myself and there might be one other Member who have alternative proposals for committee chair structure and

membership. Is it appropriate for everybody who has a version of it to submit that for that public hearing?

CHAIR WHITE: Yes.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: Yes.

COUNCILMEMBER COCHRAN: And, Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I think I want to go back to the initial question by Councilmember Atay saying...asking about, I think what he was trying to ask for was a Ramseyered version from last term's duties of these committees versus what's presented to us today on the floor here. Because as Ms. King noted, there's things that have been switched and deleted, and added around to different...the duties part. And that new Members and myself too would like to see what changes were created by yourself and whoever. So it's not clearly shown here.

CHAIR WHITE: Yeah, that's fine.

COUNCILMEMBER COCHRAN: A Ramseyered version. So if there's a way to get at least that also in the...

CHAIR WHITE: We can provide that.

COUNCILMEMBER COCHRAN: Okay, very good. Thank you.

Is that all right?

COUNCILMEMBER ATAY: Yeah, that's . . .*(inaudible)*. . .

CHAIR WHITE: Okay, moving on to the next item.

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 17-6

APPOINTING THE COUNTY CLERK
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Danny A. Mateo as the County Clerk of the County of Maui, effective retroactive to January 2, 2017, twelve o'clock meridian, for the term ending January 2, 2019, twelve o'clock meridian, unless terminated earlier, and that the annual salary of the County Clerk shall be $98,070.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I'D LIKE TO MOVE TO ADOPT RESOLUTION 17-6, "APPOINTING THE COUNTY CLERK AND SETTING HIS SALARY."

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura and a second from Mr. Carroll.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I request the resolution be read in its entirety.

Thank you.

CHAIR WHITE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I want to suggest that this is, Danny Mateo retain the position of County Clerk and because he has about I think 20 years, I was looking up his bio and he has about 20 years working for the County starting from working with then Council Chair Pat Kawano. And then he was Councilmember, Council Chair, as well as now he's been a County Clerk for three years and has served the County very well. So I would like to respectfully recommend that the Council support Resolution 17-6.

Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on this item?

COUNCILMEMBER KING: Just one question, Mr. Chair.

Is it, I mean I was looking at the agenda from two years ago, and it's the, a similar item was just appointing the County Clerk. Was the salary previously set by the Salary Commission or why was it not listed on there? Or was it, the salary listed on there but not listed on the agenda?

CHAIR WHITE: It's not set...it's my understanding, it's not set by the Salary Commission, and we chose not to provide an increase at that time.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: So there was no...

COUNCILMEMBER KING: So this represents an increase?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: And I believe it's four percent and first time in the three years that he's held the position.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And so I'm just trying to see, for this one it says appointing the County Clerk which is just a general statement versus appointing Danny Mateo as County Clerk like all the other resos have stated an actual name, and why this wasn't done that way? Is there a rhyme or reason for that?

CHAIR WHITE: Staff provided that so I don't know.

COUNCILMEMBER COCHRAN: Oh, okay. Just because previously as Ms. King has been pointing out, our appointing of Chair, Vice-Chair, it just states Chair, not Mike White as Chair or Bob Carroll as Chair like it was done today. So just wondering. But I'm in favor. It's just...

CHAIR WHITE: Okay, any further discussion?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes."

Congratulations, Mr. Clerk. And thank you for hanging out with us tonight.

COUNTY CLERK: Thank you.

Mr. Chair, for the record, Resolution 17-6.

The following resolution was presented.

RESOLUTION
NO. 17-7

APPOINTING THE DIRECTOR
OF COUNCIL SERVICES

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Sananda K. Baz as the Director of Council Services of the County of Maui, effective retroactive to January 2, 2017, twelve o'clock meridian, for the term ending January 2, 2019, twelve o'clock meridian, unless terminated earlier.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT RESOLUTION 17-7 BE ADOPTED.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I speak in support of Mr. Baz. I know Mr. Baz for about 17 years. My experience with him was from, as a Deputy Director of MEO when he started many years ago, and then he became the Director of Maui Economic Opportunity, helped grow it through a multimillion dollar, 300 employee plus entity. And then of course the last six years we've known him as our Budget Director. He has shown a great understanding of both the Administration and the Council operations. He also shows that he has a great grasp of the financial requirements as well as the day-to-day operational needs of the various divisions within the departments. I think Mr. Baz brings with us a great understanding of what I would say is needed in the area of administrative and management skills. It is something that I have stated vocally over the last six years that we need to get back to the level of efficiency and proficiency that the Council Services has, was, took great pride in in the past and that we're not, in my estimation we're not there over the last six years. So I am happy to this evening recommend Mr. Baz to be the new Director of Council Services.

Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yes?

COUNCILMEMBER GUZMAN: Thank you.

I'D LIKE TO MAKE A MOTION TO AMEND RESOLUTION 17-7 TO REPLACE THE NAME OF MR. BAZ, SANANDA K. BAZ WITH DAVID RAATZ.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion to amend from Mr. Guzman and a second from Ms. Cochran.

COUNCILMEMBER GUZMAN: Thank you...

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I am supporting this amendment due to the fact that David has years of experience as the Director of Council Services. I believe he's done a good job. He's been very politically...he's been non-political, so I believe that he is very suited for this position. And you heard from the testimony today that he's very well respected among various leaders of the community.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And yeah, I'm happy to support this motion for Mr. Raatz who I found to always be very professional, very fair. He's got great institutional knowledge, and I think I read, you made some comments in regards to that, Chair. He's passionate, has always been very unbiased. And I admit, we don't always see eye to eye, but, you know, I can always count on him to very, very respectful and really, you know, be fair and I think that's needed. Also, I guess it was asked and he truly still wants the job and was never intending to go. And so I'd like to continue to keep him in services for this Council.

Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. King, did I see you moving?

COUNCILMEMBER KING: Yeah, I will speak to the motion. I support this motion. I believe Mr. Raatz went through all the proper channels and procedures when he was appointed the first time. And it bothers me and it's nothing personal against Mr. Baz because I like him as a person. I don't know him, I haven't worked with him, I don't know his qualifications. When I asked about it, there was not even a resume on file. And I'm pretty sure he didn't go through all the same procedures that are in the Council procedure manual for hiring which involve as I read them, a notice of the position, gathering of resumes, tests that had to be taken, and interviews, a schedule of interviews where all the Councilmembers can sit in if they so chose to. And not that they could talk or participate but they could sit in and listen. And I was told by two different attorneys, three different attorneys in Council Services that it generally takes three to four months to hire somebody, because you have to go through all the proper procedures.

My big concern is that I and yourself and others have been very critical of the cronyism that we've seen going on in the Administration, certain areas, and the lack of professional hiring, job descriptions, the professional procedure. And I think it would be hypocritical of us to do the same thing and just hire somebody because we know him or somebody knows him and thinks that he's great.

I too have had great past experiences working with David Raatz from the time he was at MEDB and the time he's been in Council Services, and found him to be extremely professional, extremely knowledgeable. I think there's an issue with the Director of

Council Services needing to be an attorney because you're supervising other attorneys. And so I think it's appropriate to keep somebody who's an attorney in that position. I know there's a movement underfoot to change the structure and have legal supervisor, but I don't think we have that yet. And so I would ask that Councilmembers consider the ramifications if we make this change without going through the proper procedure.

Thank you.

CHAIR WHITE: Thank you, Ms. King.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I know both of these men, and I aloha Sandy Baz. But as I mentioned with both you folks last week when we met, I said what happened with David Raatz, why was he junk? You guys told me that you could not answer any personnel issues and personnel matters, and that it would be taken up on the floor to ask this question and your recommendation that would be breaking into an executive session so that we can understand the decisions that you guys made in regards to David Raatz. I support the nomination but before I vote I kind of want to know why, you know. So can we ask for that?

CHAIR WHITE: Well, there's a motion on the floor and if you want to ask for executive session I believe you're open to do that.

COUNCILMEMBER ATAY:

> I'D LIKE TO ASK FOR AN EXECUTIVE SESSION SO THAT YOU CAN GIVE THIS BODY AN EXPLANATION OF WHY YOU'RE CHOOSING. PREVIOUSLY TWO YEARS AGO, YOU VOTED IN SUPPORT OF HIM AND, YOU KNOW, SO WHEN I ASK YOU THAT, YOU ASKED ME TO ASK FOR EXECUTIVE SESSION SO I AM.

CHAIR WHITE: Okay. Members, we have a request to go into executive session pursuant to...Mr. Clerk, if you...pursuant to 92-4, Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees and 92-5(a)(2), HRS, and to consult with legal counsel on questions and issues pertaining to the powers, duties, and privileges, immunities, and liabilities of the County and the Council.

So we have a motion. Do I have a second?

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Atay and a second from Ms. Cochran.

Discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Just a question, Chairman. Since Mr. Raatz's name was not part of the original posting, can we talk about his personnel issues in executive session?

CHAIR WHITE: That would be a question for Mr. Wong.

COUNCILMEMBER HOKAMA: Mr. Wong.

CORPORATION COUNSEL: It would be highly irregular to discuss the separation of an employee when the matter before the body is the appointment of another employee.

COUNCILMEMBER HOKAMA: Okay, thank you.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, in reference to Councilmember Atay's consideration, it may be irregular but we can discuss the individual that's up to, for the motion. Anyway, consideration for the position. Can we do that in executive session, Mr. Wong?

CHAIR WHITE: Are you speaking of Mr. Baz?

COUNCILMEMBER CRIVELLO: No, I think it's Mr. Raatz.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Chair, in executive session discussion may be had as to the posted item and that would be the appointment of Mr. Baz. I would not believe that you would be compliant with Sunshine Law in the event you choose to venture into the discussion of a separation from the County of any other employee unless appropriately posted.

CHAIR WHITE: Does that answer your question?

COUNCILMEMBER CRIVELLO: He's answered it but I don't understand why we cannot have the discussion in executive session. And only because there is a motion to amend and replace with another, with the individual's name.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: That's actually a very good point. Well, I guess if we get legally challenged, you know, the motion is on the floor, the topic is Mr. Baz...excuse me, Mr. Raatz in replacement of Mr. Baz so thereto open the qualifications of Mr. Raatz which should not be discussed on the floor either and should be discussed in executive session as it relates directly to the appointment of Mr. Raatz over Mr. Baz. So point well taken and I like Judge Chang in the Tax Court reverse myself and suggest that the topic of discussion is the appointment of Mr. Raatz in place of Mr. Baz, therefore the personnel history and matter would be right for discussion.

CHAIR WHITE: Okay, thank you.

And, Members, I would also like to point out that the Chair is happy to...now that the new Members are in office, the Chair would be happy to meet individually to discuss it as well. So I'm not certain we need to go into executive session at this time, but I'm certainly happy to put it up to a vote.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes?

COUNCILMEMBER KING: We have to make a decision. We're being asked to make a decision so I don't think we have time unless we're going to break and have you go meet with each individual Councilmember. I mean this is, I believe what we're saying is that this is going to affect our decision and so we'd like to hear on the qualifications. I would also ask that the Chair since the resolution, original resolution is about Mr. Baz, if the Chair could explain why the usual procedure was circumvented in placing Mr. Baz in that position.

CHAIR WHITE: Well, I can do that in open session.

COUNCILMEMBER KING: But...yeah, so, I mean that's what I'm asking you right now is maybe you can describe that to us out in open session before we got into executive session so we have...I mean what we're asked to do right now is compare and make

a choice. And, you know, I don't want to do that in a vacuum, I want to have all the information.

CHAIR WHITE: That's fine.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: The process of replacing the Director of Council Services is one that is certainly from time to time been done through an interview process. Mr. Raatz when he was appointed I don't believe went through any interview process. I don't think he went through a test because he was employed by Council Services for I believe somewhere in the neighborhood of 18 to 20 years before he decided to move on to MEDB. When Ms. Baisa took over, she brought him back from MEDB and I don't believe there was any resume proffered or any interviews, because everybody knew him, and I think all of us were comfortable with him.

This time around, we had a similar situation where Mr. Baz has been working with us in this room for six years. Those of us who have been here for six years know him very well. Those of us who have been here for four know him quite well as well. As I apologize to Ms. King for not sending out resumes, but there are seven of us or I should say six of us that know Mr. Baz's work. We know him to be one of the most ethical individuals in the County Administration. I think I'm...I feel honored that he's chosen to join us. And I don't feel that any of the, of those of us who have been working with him really would need to have his resume because we know what he does. And I believe Mr. Baz also went around to all, if...and maybe, may have missed one, but I believe he spoke with all the Members, all the sitting Members at the time, before there was a vote taken.

So it does say in the manual that we go through this, this process of testing and interviews, and so forth. But it doesn't preclude us from making a decision in another way. And I think in this case it's not necessary to go through the process with someone who we have spent hours and hours and hours watching, listening to, reacting to. And I think all of us have a very high sense of confidence in Mr. Baz's abilities to administer and especially on budget issues, but he's also a very knowledgeable, caring, sensitive, and helpful individual. And I think all of you will find that he will be stepping up the ability for Council Services to respond. And I think he'll do a wonderful job for all nine Members.

So with that, any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair.

I guess my objection was basically I felt there was a switch and bait on December 2nd. Mr. Baz was presented in a resolution for the position of Supervising Analyst. And so I objected because of the fact that the hiring process was not followed. Yeah, I understand that there could be other methods used for the appointment of the Director because it's void, the hiring process policy is void of the Director, but any position under the Director or subordinate to the Director is written in there...excuse me, I'm getting a little tired, yeah, written into the process, the hiring process. So that's wherein I put forth my objection.

I don't believe that it's necessarily applicable to the Director himself so that's why we're here. And I still feel that Sandy Baz...no, excuse me, David Raatz has been doing a good job. And I haven't heard anything other than him doing a good job from any other Members. I'm not privy to the, that information so I can only go on what, based on my experience with Mr. Raatz. Nothing against Sandy, it's just that I don't know the reason why you would want to replace Mr. Raatz.

CHAIR WHITE: Thank you.

Any other discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: It's getting late.

So when...and I get what you're saying, a lot of us worked, yeah, to the wee hours like we are tonight with him during Budget Sessions and what have you. But as Mr. Guzman stated, there's a process in place and it just seemed that things were done differently. And you were just stating that you can but, you know, I just don't feel that it was truly done properly. And you just apologized for not putting out...you put out six resumes I think and I thought, does that mean, I don't know, you felt like you had your six votes to carry it through and never mind the other three, 'cause that's kind of what the whole subject of discussion has been all day here with that type of counting. And I guess was there, if there was a vacancy, wasn't there supposed to be like a position posted and people vetted through to come and do the application process and all this other stuff? So was that done?

CHAIR WHITE: That is one way that it can be done.

COUNCILMEMBER COCHRAN: Okay, so that wasn't done and you're, as you stated in your comments, there's many ways of doing it and this is the route you chose to --

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: --hire Mr. Baz. And okay, I'm just trying to figure out why things are done the way they have been. I still don't agree and I would still like to understand what happened in the decision on Mr. Raatz at this time.

Thank you.

CHAIR WHITE: Okay. Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

CHAIR WHITE: Turn on your microphone.

VICE-CHAIR CARROLL: Thank you, Chair.

I too also like Mr. Baz [*sic*] but I talked to him last week and about him, this job and staying on the Council, and he told me that he was ready to move on. Is any Members over here that is...

CHAIR WHITE: Mr. Raatz, right? You mentioned Mr. Baz.

VICE-CHAIR CARROLL: I mean excuse me --

CHAIR WHITE: Yeah.

VICE-CHAIR CARROLL: --not Mr. Baz. David Raatz told me he was ready to move on. Has any Member over here talked with him that he was willing to...? Because this was like Wednesday or Thursdays or something.

COUNCILMEMBER GUZMAN: Chair.

VICE-CHAIR CARROLL: Just a question I think we need to clarify.

COUNCILMEMBER GUZMAN: Chair.

Yes, I did speak to Mr. Raatz.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

Mr. Carroll, I will speak through Mr. White. I actually did speak to Mr. Raatz on Sunday, and he did mention to me that he has no other plans and that he would like to continue to work as the Director of Council Services. So I did speak to him.

CHAIR WHITE: Okay.

Any further discussion on...

COUNCILMEMBER CRIVELLO: My question is are we going to respond to the motion that Mr. Atay has requested?

CHAIR WHITE: Yeah, I'm ready to put it to a vote.

Any further discussion on whether we go into executive session or not?

COUNCILMEMBER KING: The motion before us is going, about going into executive session?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Okay, thank you.

COUNCILMEMBER GUZMAN: . . .*(inaudible)*. . . have a second.

CHAIR WHITE: Pardon?

COUNCILMEMBER GUZMAN: Was there a second on the motion?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR WHITE: Yes, Ms. Cochran seconded it.

Okay. I won't be supporting the motion but feel free to vote as you please.

All those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, AND VICE-CHAIR CARROLL.

CHAIR WHITE: Those opposed say "no."

NOES: COUNCILMEMBER HOKAMA AND CHAIR WHITE.

CHAIR WHITE: Motion passes. I believe I heard seven...were you an aye, Mr. Carroll? Okay. I believe I head seven "ayes" and two "noes," so the measures passes. So we'll prepare the Chamber for executive session.

COUNCILMEMBER COCHRAN: Chair.

Okay, thank...before we go into...I have a question in regards to this position. If we don't have per se an attorney at this, in this seat, is that going to be --

CHAIR WHITE: I think that's an executive...

COUNCILMEMBER COCHRAN: --against the Charter thing that we just changed --

CHAIR WHITE: Yeah.

COUNCILMEMBER COCHRAN: --to have...

CHAIR WHITE: I think that's an executive session --

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: --discussion.

COUNCILMEMBER COCHRAN: Okay. That...okay. All right.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER COCHRAN: Yeah, I just...

COUNCILMEMBER GUZMAN: That wouldn't be an executive session discussion.

CHAIR WHITE: Well, that was my --

COUNCILMEMBER COCHRAN: Or, Mr. Wong, do you know the...

CHAIR WHITE: --guess because it's a, it deals with legal question having to do with Council, so.

COUNCILMEMBER COCHRAN: Well, you know, we had the Charter change and we're going to have our legal analysts downstairs that need to be overseen by an attorney which Mr. Baz is not but Mr. Raatz is. So if, you know, is there some type of repercussion that can occur should Mr. Raatz not be kept on as the Director and have a non-attorney personnel overseeing the...

CORPORATION COUNSEL: Chair, if I may?

Generally speaking, the Director of Council Services according to the Charter and the Code is not required to be an attorney. As it relates to the supervision of attorneys, there are, you know, I would ask that further question of the Office of Disciplinary Counsel; however, there are law firms that exist in the State of Hawaii where managing partners and/or managing personnel are non-attorneys that manage and operate and function on a daily basis. Whether or not you choose as a body to have a non-lawyer as a Director is the body's choice.

COUNCILMEMBER COCHRAN: Okay, I thought we had...it's really late. I thought we had a Charter change and we were going to be sort of like splitting the room, attorneys here, legislative analysts there --

UNIDENTIFIED SPEAKER: Not director.

COUNCILMEMBER COCHRAN: --and heading, spearheading and overseeing our attorneys would have to be. But until then, you know, we're still going to still have our attorneys and legislative analysts and have Mr. Baz.

CHAIR WHITE: But we've also...

COUNCILMEMBER COCHRAN: So I, that's just my question.

CHAIR WHITE: In an upcoming resolution, we have the appointment of our Supervising Legislative Attorney.

COUNCILMEMBER COCHRAN: Okay. That's where it's at.

CHAIR WHITE: So that takes care of, I believe that takes care of whatever issue there might be.

So with that, we will be in recess and preparing the room for executive session.

(THE CHAIR DECLARED THE OPEN SESSION IN RECESS AT 12:35 A.M., AND CONVENED IN EXECUTIVE SESSION. THE OPEN SESSION WAS RECONVENED AT 1:39 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order.

Thank you and the public for your patience as we went into executive session. We've had good discussions and I believe we have a motion on the floor to change out the name of Sandy Baz with David Raatz for the position of Council Services. And I believe we had some discussion. Is there any further discussion on the motion to amend the resolution that was presented?

Seeing no further discussion, the vote is on the motion to amend to put Mr. Raatz's name in place of Mr. Baz. So all those in favor of...

COUNCILMEMBER CRIVELLO: Sorry.

CHAIR WHITE: I'm sorry.

COUNCILMEMBER CRIVELLO: Chair, repeat the motion that's on the floor please.

CHAIR WHITE: Okay. To, if you vote, yes you are voting to replace David Raatz's name...I mean I'm sorry, a vote yes would be placing Mr. Raatz's name instead of Mr. Baz. A vote no will leave the resolution as presented --

COUNCILMEMBER CRIVELLO: Okay.

CHAIR WHITE: --suggesting Mr. Baz to be the Council Services Director.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR WHITE: Okay. We're all clear?

All those in favor, please signify by saying "aye."

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no."

COUNCILMEMBER ATAY: No.

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER HOKAMA: No.

VICE-CHAIR CARROLL: No.

CHAIR WHITE: I think we'll need a roll call vote, Mr. Clerk.

COUNTY CLERK: Vice-Chair Carroll.

VICE-CHAIR CARROLL: NO.

COUNTY CLERK: Councilmember Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Councilmember Atay.

COUNCILMEMBER ATAY: NO.

COUNTY CLERK: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Councilmember Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Guzman.

COUNCILMEMBER GUZMAN: AYE.

COUNTY CLERK: Councilmember King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Council Chair White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS COCHRAN AND GUZMAN.

NOES: COUNCILMEMBERS ATAY, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

COUNTY CLERK: One...two...three "noes," seven "ayes"...excuse me, six "ayes."

COUNCILMEMBER COCHRAN: No, two "noes."

UNIDENTIFIED SPEAKER: The other way around.

UNIDENTIFIED SPEAKER: There's two.

COUNCILMEMBER COCHRAN: I mean two "ayes."

UNIDENTIFIED SPEAKER: Two "noes."

COUNTY CLERK: Excuse me, Mr. Chair. Two "noes"--

UNIDENTIFIED SPEAKER: No.

COUNTY CLERK: --and seven "ayes."

UNIDENTIFIED SPEAKER: No.

CHAIR WHITE: Correct.

UNIDENTIFIED SPEAKER: Six "noes."

CHAIR WHITE: So the motion to amend fails.

We're back to the main motion.

COUNCILMEMBER HOKAMA: Chairman, you need to restate the vote correctly. It is seven "noes" and two "ayes."

CHAIR WHITE: Okay, I'm sorry.

We have seven "noes" and two "ayes." Thank you. It's getting a little late.

Okay, so we are back to the main motion. Is there any further discussion on the main motion?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: The measure passes with nine "ayes."

Mr. Clerk.

COUNTY CLERK: For the record, Resolution 17-7.

The following resolution was presented.

RESOLUTION
NO. 17-8

APPOINTING THE DEPUTY COUNTY CLERK
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Josiah K. Nishita as the Deputy County Clerk of the County of Maui, effective retroactive to January 2, 2017, twelve o'clock meridian, for the term ending January 2, 2019, twelve o'clock meridian, unless terminated earlier, and that the annual salary of the Deputy County Clerk shall be $92,820.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17.8 OR 17-8, "APPOINTING THE DEPUTY COUNTY CLERK AND SETTING THE SALARY."

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura and a second from Mr. Carroll.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Mr. Chair, I request that the resolution be read in its entirety.

CHAIR WHITE: Thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I would like to ask that the Council support Resolution 17.8 [*sic*], and I would like to also comment that Josiah I've had the opportunity of working with him for the HSAC Conference, he's very thorough. And as we can see how he operates with us tonight in detail, I can appreciate the work that he does as a Deputy County Clerk. And I would like to ask for the Council to support this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: No, I don't.

CHAIR WHITE: Oh, I'm sorry. I thought you were turning your mic on.

Any further discussion?

COUNCILMEMBER KING: No, actually I do have a question, because I don't really know this person and wondered, were we provided a resume or anything for him or...I mean all I've heard so far is one person speak to...

CHAIR WHITE: Well, Josiah has been the Deputy Clerk for I believe since 2013 so I don't think we have a resume for him.

COUNCILMEMBER KING: I mean we just had somebody who was on the, who was the chair [*sic*] of Council Services for that long that we just, you know, decided to replace so, you know, I'm just hoping that other people can speak to the Deputy County Clerk 'cause, just 'cause I as an incoming Member I don't...I've known Mr. Mateo for, I don't know, couple decades but I don't know the other, the Deputy. So can you...somebody...

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

Josiah was my analyst during my first term and he's a very thorough, very responsible, very intelligent, he does his research. And as a Deputy Clerk I also when he was up for that position voted for him and he's done a very excellent job. He's always giving his analysis when asked to do so on any variety of questions or assignments. He's always on time, and he's just, I wish he was an analyst again. But Mr. Mateo is very, very lucky to have him, and they work well together.

Thank you.

CHAIR WHITE: And thank you for asking the question. I think all of us that have been here would totally agree with Mr. Guzman's characterization. He's been on Mr. Guzman's Committee, he's been on Budget. He's a very talented guy. And if I could only say one thing about him, he's thorough to the point of often you want to just say okay, you've given me enough of the picture. And no, he's a very outstanding County employee so we're lucky to have him.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I was just going to say what you just said. We're very lucky to have that young man. I mean doesn't really get into your face but he's there. He's always there. I believe Mr. Mateo will ditto all what we say about his Deputy that I think he's one of a kind, really, one of a kind. We appreciate his work. I mean

when we had what we call Granicus or iLegislate, it was Josiah who just responded to anything that we needed help with. I mean he's of a different...of the County Clerk side but he was automatically there to help us with the transition and of all that. So I'd like to thank Josiah.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

Josiah is one of those remarkable people. He's the only person sitting over there where and Mr. Mateo is sitting now during the meeting, that actually had applause from the audience. I've never seen that happen before. But he's an extraordinary young man and we're very fortunate to have him. And obviously I support him.

Mahalo.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And I completely concur with everyone's positive comments about Mr. Nishita. You know I remember back and it was nothing against Mr. Mateo, but I supported him as actually the Clerk. And, you know, I'm just so happy to have him at any level with us, because he is extremely yes, very, very intelligent, super thoughtful. I forget what the item was but came up, you know, hours later, by the way, Elle, you know, I looked into this and like you said, very, very thorough and just flawless. And I recall that day when he got the applause from the gallery, because he was reading off Hawaiian names, I mean the longest resolution and did it just impeccable and flawlessly. So he's just amazing, yes. So I'm very, very happy to support this resolution for Josiah Nishita.

Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Seeing none --

COUNCILMEMBER KING: Thank you, Chair.

CHAIR WHITE: --all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: The measure passes with nine "ayes."

Mr. Clerk.

COUNTY CLERK: For the record, Resolution 17-8.

The following resolution was presented.

RESOLUTION
NO. 17-9

APPOINTING THE STAFF OF THE
OFFICE OF COUNCIL SERVICES

BE IT RESOLVED by the Council of the County of Maui that it does hereby approve the appointment of individuals to various positions in the Office of Council Services, effective retroactive to January 2, 2017, twelve o'clock meridian, for the term ending January 2, 2019, twelve o'clock meridian, unless terminated earlier, at the pay ranges and pay steps as provided for in Exhibit "A".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT RESOLUTION 17-9 BE ADOPTED.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Carroll.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this resolution deals with the appointment of the Staff for the Office of Council Services. I will speak in support of the individuals named in the resolution for various positions, from Council Services Clerk to Secretary, to Analyst, to Attorney.

I appreciate Ms. King's comment on the previous matter, Mr. Chairman, and that is one of the structural challenges that this branch faces. The Staff starts with the Members' terms. So if they are all brand-new Members which could happen, all nine new Members at one time, who would know the Staff to be able to make a vote? It's a structural issue. It's hard to...I cannot even think about a reasonable remedy on how to deal with this, because the term of the employee starts with the term of the Member and ends with the Member.

But all I can say is that those that are on this resolution have gone through their various evaluations. Many of them have known level of performance that the Members require and the community expects. And I think all of these members can perform at the level that will justify our affirmative vote this evening.

Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you.

You know I think I have a remedy for that. Mr. Hokama and I debated during December 2nd, and he had mentioned where was the performance evaluations reports. And maybe we should be having a yearly or every two years evaluation report so that if in case we do have new Members, they can go through those evaluation reports if there are employees that are being reappointed. So that could be a solution down the road. But that's just a suggestion, Chair.

CHAIR WHITE: No, I agree with that, but I think I would add to that, that as a Chair that works with an Analyst and an Attorney on your committee that you should be a part of that review.

COUNCILMEMBER GUZMAN: Oh, yes.

CHAIR WHITE: It shouldn't just be the Director.

COUNCILMEMBER GUZMAN: Oh, yes, yes.

CHAIR WHITE: So but I think that would provide us something that we could hand to incoming Members and that would give them a very good idea of what the, you know, what the quality of the person's work is.

COUNCILMEMBER GUZMAN: So one more thing, Chair.

> I'D LIKE TO MAKE AN AMENDMENT TO ADD THE NAME OF SHARON BROOKS AS THE POSITION OF LEGISLATIVE ATTORNEY, AS A CR-6J, OR J...I DON'T KNOW WHICH, WHAT LEVEL BUT JUST J I SUPPOSE.

I don't know what level that would be because there's 6J, 7J. Do I need to be specific?

CHAIR WHITE: We can...I think we can...well, I think you need to be...

COUNCILMEMBER GUZMAN: Okay, I guess it would be...

CHAIR WHITE: I would assume we can allow Staff to make...

COUNCILMEMBER GUZMAN: The proper adjustments in accordance with the Attorneys' pay salaries based off of the Corporation Counsel as well as I believe the Prosecutor's Office uses the same attorney scale.

DIRECTOR OF COUNCIL SERVICES SANANDA BAZ: Mr. Chair.

CHAIR WHITE: Yeah. Yes?

DIRECTOR OF COUNCIL SERVICES: The proper classification for an attorney would be a 6, so whatever step Mr. Guzman's preparing to propose would be a CR-6 and then that step.

COUNCILMEMBER GUZMAN: Okay.

DIRECTOR OF COUNCIL SERVICES: Yeah, the, if you look at the resolution, it has the Attorneys there and you'll see that the two Attorneys are 6s.

COUNCILMEMBER GUZMAN: Okay, 6 then, CR-6J.

COUNCILMEMBER KING:

SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion from Mr. Guzman and a second from Ms. King.

Further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair.

I've worked with Sharon Brooks for the last I believe three years and she has worked as my Legislative Analyst and Attorney on the Economic Development, Energy, and Agricultural, and Recreation Committee. And she is, I believe is one of the best that I've ever worked with. I don't know if the other Members knew that I have had at least seven Analysts before her. So when she started working in my Committee, I, it was just a breath of fresh air. She was always on time with her committee reports, all the research, planning all the committee presentations. I can't say enough good words about her. I mean if ever I left to go back to private practice or sought higher office, I would definitely would love to take her with me. Whether she's on my Committee or not, she's a very valuable asset. So I would urge please, please, Members, I've been losing all day today so if you could please give me this one consideration I would really deeply appreciate it.

Thank you.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yeah.

COUNCILMEMBER COCHRAN: Yeah, thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, and I agree, Sharon Brooks has done some amazing work. She's been with us on the Peahi lands TIG. She's, did amazing work with the whole Friends of Mokuula. It's just volumes and volumes of paperwork and piecing all that together. She did awesome work on that. So I've seen her really doing incredible work for this Council, and it seems like it'd be a big loss to us. And in support in reinstating her back to work for this body.

Thank you, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yes, I just wanted to reiterate the praise for Sharon. I worked with her a couple of times as a, like to say I would call myself a layperson outside the Council, on certain bills at the request of Councilmembers. And I found her to be very professional and very thorough, followed up on a timely basis. And whether or not I would have her on my Committee because I've talked to Mr. Baz about potential support for the Planning Committee and, you know, was open to whoever has the most experience there. So I'm not asking for myself too, but I just want to put in a plug for her because I have worked with her and I found her to be very professional, thorough, and very talented in writing legislative briefs.

Thank you.

CHAIR WHITE: Okay, thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

I guess, well, I don't know if the way I guess she was let go or what was the word that mister...

UNIDENTIFIED SPEAKER: Separated.

COUNCILMEMBER COCHRAN: Separated off the --

CHAIR WHITE: She was placed...

COUNCILMEMBER COCHRAN: If that's like a personnel-type discussion and ought to be talked about in executive session. So --

CHAIR WHITE: It should be.

COUNCILMEMBER COCHRAN: --I won't...yeah, okay. All right. No discussion.

CHAIR WHITE: Pardon?

COUNCILMEMBER COCHRAN: No discussion then on that.

CHAIR WHITE: Okay. The Chair feels that there were, there was justification for what was done. If you would like to discuss it in executive session, the Chair is open to that.

COUNCILMEMBER SUGIMURA:

SO MOVE TO...EXECUTIVE SESSION.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Okay, we have a motion from Ms. Sugimura and a second --

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: --from Ms. King to go into executive session.

All those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and we will take a two-minute recess to reset the room for executive session.

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Yeah, I'm sorry.

CORPORATION COUNSEL: You need to state the statutory --

CHAIR WHITE: Oh, I'm sorry.

CORPORATION COUNSEL: --basis for the motion.

CHAIR WHITE: You're asking me to dig up my agenda again.

With respect to this item, one or more executive committee meetings or executive meetings are anticipated pursuant to Section 92-4, Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees and 92-5(a)(2), HRS, and to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, liabilities of the County and the Council which is in 92.5(a)(4) of the HRS.

COUNCILMEMBER KING: Mr. Chair, will this also allow us to discuss anything on this resolution if we go into this executive session?

CHAIR WHITE: I believe it should.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: But I don't...does the motion need to be restated?

COUNCILMEMBER KING: Well I, I'll just tell you why, because I have some questions about the, on the back why certain employees are being proposed for six months only. So --

CHAIR WHITE: That's fine.

COUNCILMEMBER KING: --if we could discuss that in the same session that would be good.

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Does anybody have any...yeah, I'm sorry.

CORPORATION COUNSEL: Chair, you need to specify what topic. So if you're going to specify the entire resolution and the proposed amendment then you'll be okay to do that. But you need to specify.

CHAIR WHITE: Okay. Members, the...going into executive session, without objection, we will open it up to the entire resolution, without objection.

MEMBERS VOICED NO OBJECTION

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Excuse me, Chair.

Including the amended portion of it.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: Okay, thank you.

CHAIR WHITE: Yeah. Okay.

With that, all those in favor, signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: The measure passes with nine "ayes."

And we'll be in recess for two minutes while we set up the room for executive session.

(THE CHAIR DECLARED THE OPEN SESSION IN RECESS AT 2:01 A.M., AND CONVENED IN EXECUTIVE SESSION. THE OPEN SESSION WAS RECONVENED AT 3:05 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order.

Members, we are returning to Item 17-9, and we have a motion on the floor to insert the name of Sharon Brooks.

Any further discussion on the item? Any further discussion, Members?

Seeing none, all those in favor, please signify by saying "aye."

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no."

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Roll call vote.

And again, Members, this is a vote to insert Sharon Brooks' name into the resolution appointing the Staff of the Office of Council Services.

COUNTY CLERK: Vice-Chair Carroll.

VICE-CHAIR CARROLL: AYE.

COUNCILMEMBER GUZMAN: He said "aye."

COUNTY CLERK: I'm sorry?

COUNCILMEMBER COCHRAN: He said "aye."

VICE-CHAIR CARROLL: I'm sorry can you read that --

CHAIR WHITE: Mr. Clerk, if you would restate the motion?

COUNTY CLERK: Thank you.

The motion is to insert the name of Sharon Brooks into the, in Resolution 17-9 as a Legislative Analyst...

COUNCILMEMBER KING: Attorney.

CHAIR WHITE: Attorney.

COUNTY CLERK: Excuse me, Legislative Attorney at CR-6J level.

VICE-CHAIR CARROLL: NO.

COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: NO.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Guzman.

COUNCILMEMBER GUZMAN: AYE.

COUNTY CLERK: Councilmember Kelly King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS COCHRAN AND GUZMAN.

NOES: COUNCILMEMBERS ATAY, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

COUNTY CLERK: Mr. Chair, two "ayes," seven "noes."

CHAIR WHITE: Thank you.

The measure fails.

We're back to the main motion. Members, any further discussion on the main motion on 17-9?

Seeing none, all those in favor of the motion, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes."

Mr. Clerk.

COUNTY CLERK: For the record, Resolution 17-9.

The following resolution was presented.

RESOLUTION
NO. 17-10

APPOINTING A REPRESENTATIVE AND
ALTERNATE TO THE EXECUTIVE COMMITTEE OF
THE HAWAII STATE ASSOCIATION OF COUNTIES

WHEREAS, Section 5 of the Hawaii State Association of Counties Bylaws requires each county council to appoint one of its members as a representative to serve as an officer of the HSAC Executive Committee and to designate another as alternate representative now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby appoint Councilmember Stacy Helm Crivello as its HSAC representative, and Councilmember Riki Hokama as the alternate representative, commencing upon adoption of this resolution, and ending on June 30, 2017; and

2. That a certified copy of this Resolution be transmitted to the HSAC Executive Committee

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17-10, "APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES."

COUNCILMEMBER SUGIMURA:

SECOND IT.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Sugiyama [*sic*].

Mr. Carroll.

Ms. Sugimura, sorry.

VICE-CHAIR CARROLL: Thank you, Chair.

I request that the resolution be read in its entirety.

CHAIR WHITE: Thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I think Ms. Crivello is a really good person for this. I think she will do well in representing us. And of course Mr. Hokama has been involved with the organization for almost his entire career. So I ask for the Members' support.

Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, I had...is it...can I ask Mr. Hokama a question?

Mr. Hokama, are you planning on being active with NACo this upcoming year and term? Would that, if so, would that be in, not conflict but, you know, kind of stretching you out between...yeah, scheduling-wise.

COUNCILMEMBER HOKAMA: Thank you for that question, Ms. Cochran.

I can tell you and the rest of the Members that my tenure as an officer of NACo is sunsetted basically, so I'm able to give my attention to the State Association. Again, I will be an alternate to Ms. Crivello but you can depend on me to be able to represent our Council's position and our thoughts well on various issues before the Legislature as well as how to improve the association so that we can have better interaction between the various councils of our State. You know we meet once a year, we try and meet twice a year, and I think that's critical for the Members to have multiple opportunities to discuss items just, besides the legislative items. I think there's issues of property tax we can learn from each other. There's areas regarding laws and Corporation Counsel with claims and settlements that maybe we can have some input from all four counties at one point. So that's what I look forward to in the upcoming year, Ms. Cochran.

COUNCILMEMBER COCHRAN: Okay, all right. Thank you very much, Mr. Hokama. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members?

COUNCILMEMBER KING: A question.

CHAIR WHITE: Yes, Kelly.

COUNCILMEMBER KING: Why is it in the June 30th of next year, is this like a six-month thing we go through and appoint every six months.

CHAIR WHITE: Mr. Hokama can answer that.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Thank you, Ms. King.

I would say that is by the bylaws of the association, the terms of the representative and of our, and our officials or officers of the association is set by the association's bylaws.

COUNCILMEMBER KING: So they elect new people every six months?

COUNCILMEMBER HOKAMA: No, annually.

COUNCILMEMBER KING: Oh.

COUNCILMEMBER HOKAMA: It's just that we're in a new term.

COUNCILMEMBER KING: Oh, I see. Okay. Okay, I was just curious 'cause it looked like kind of a short term.

COUNCILMEMBER HOKAMA: Yeah. And then at the next cycle, it's for the...

COUNCILMEMBER KING: It will be for a year.

COUNCILMEMBER HOKAMA: Yes.

COUNCILMEMBER KING: Okay, I see.

Thank you.

CHAIR WHITE: Any further discussion, Members?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes."

Mr. Clerk.

COUNTY CLERK: For the record, Resolution 17-10.

RESOLUTION
NO. 17-11

APPROVING THE APPOINTMENT OF COUNCILMEMBER YUKI LEI SUGIMURA AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE

WHEREAS, pursuant to Section 22.04A.070, Maui County Code, the Kula Agricultural Park Committee shall consist of 11 members, one of whom shall be a representative from, and appointed by, the Council for a term concurrent with the Councilmember's term of office; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby appoint Councilmember Yuki Lei Sugimura as the Council's representative on the Kula Agricultural Park Committee, for a term concurrent with the Councilmember's term of office and expiring on January 2, 2019; and

2. That a certified copy of this Resolution be transmitted to the Mayor of the County of Maui.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 17-11, "APPROVING THE APPOINTMENT OF COUNCILMEMBER YUKI LEI SUGIMURA AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE."

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I request that the resolution be read in its entirety.

CHAIR WHITE: Thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you very much.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

Being that Ms. Sugimura is from the district of Kula, I encourage Members to support Resolution 17-11 for her membership in the Kula Agricultural Park Committee.

Thank you.

CHAIR WHITE: Thank you.

Members, further discussion?

COUNCILMEMBER KING: Question. Oh sorry.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I would like to just say that I, when I worked in the Office of Economic Development under Mayor James Kimo Apana, I had some experience with the Kula Ag Park, and I also do as Councilmember Crivello said, I represent the Kula area. So I am honored to receive this appointment, and I look forward to serving in behalf of the Council for the Kula Ag Park.

CHAIR WHITE: Thank you.

Did I...

COUNCILMEMBER KING: Yeah, I just had a question about the...

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I don't understand what the significance of the Councilmember on this committee is so I just thought maybe you could explain it.

CHAIR WHITE: Well, it's, it has sometimes been assigned to the district, sometimes it's been assigned to the chair of the, that's involved with...

COUNCILMEMBER KING: No, it's not the assignment. I just want to know --

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER KING: --what this committee does and what the significance of having a Councilmember on it would be.

CHAIR WHITE: Yeah. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

Yes, this was attached to our, the EAR Committee, and I was the representative for the Kula Ag Park. So the Kula Ag Park has the tenants and they have an association, and they basically have a governing bylaw. And they meet occasionally when it's set. And there's, it's an official committee I believe. And they have a Deputy Corporation Counsel assigned to it, minutes are recorded, things...and they have different agenda items. It's...

COUNCILMEMBER KING: Is it like a governing body?

COUNCILMEMBER GUZMAN: Yes, yes.

COUNCILMEMBER KING: Okay. I understand that because it was, I think of a committee as different than a board, so.

COUNCILMEMBER GUZMAN: Right, right. Excuse me. Yeah.

CHAIR WHITE: Thank you, Mr. Guzman.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Any further discussion?

Seeing none, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: Measure carries with nine "ayes." Thank you.

Mr. Clerk.

COUNTY CLERK: For the record, Resolution 17-11.

Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 17-1 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Transmitting to Council a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY".

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

CHAIRMAN, REGARDING THAT ORDINANCE ATTACHED TO COUNTY COMMUNICATION 17-1, I MAKE A MOTION TO HEREBY WAIVE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT, PASSAGE ON FIRST READING, BE ORDERED TO PRINT THE FOLLOWING BILL: "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY."

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if the Members support the motion to waive, then we'll be able to take into consideration the bill that is attached to County Communication 17-1, whereby the revision would be that the Council by resolution would set the annual salary for the Supervising Legislative Attorney at 95 percent of the salary of the Director of Council Services. And again, that's the purpose. So if we get past this then we'll get to the discussion of the bill itself, Chair.

CHAIR WHITE: Okay, I think if you could provide some clarity for the new Members that this is a change from what we're doing, what is being done now. Correct? Because --

COUNCILMEMBER HOKAMA: That's correct, Chairman.

CHAIR WHITE: --currently it's coupled.

COUNCILMEMBER HOKAMA: If you allow me then I'll speak on that point which is --

CHAIR WHITE: Oh okay.

COUNCILMEMBER HOKAMA: --besides the motion, Chairman.

CHAIR WHITE: Okay. So, Members, we have a motion on the floor to waive the rules to allow, to...

COUNCILMEMBER HOKAMA: Waiving committee referral and report.

CHAIR WHITE: Committee referral and report. Thank you.

So any discussion, Members, on the waiver?

COUNCILMEMBER KING: I...yeah, I guess...oh I'm sorry, go ahead.

CHAIR WHITE: Yeah, go ahead. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Could you explain what that means, waiving?

CHAIR WHITE: Okay. If there is...there are times when we want to pass a bill out that's got some time sensitivity that we have the ability to waive the rules that require committee referral and report. So basically the waiver is just simply saying to the body that we're, we'd like to waive this and move it forward tonight if we can.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR WHITE: That requires a waiver of the rules and then we would have to separately take a vote on the issue itself.

Ms. King.

COUNCILMEMBER KING: Yes. I just wanted to speak against the waiver. I think this...I don't like things that go directly and bypass the committee process. And I saw that happen with a couple of bills in the last meeting of the previous year and was really disappointed in how it got pushed through. So I would like to see this get referred to committee.

I do, I also have a concern about changing from the system of the Salary Commission setting the salary and putting it in the Council purview, because I think we risk politicizing that salary in that position when we do that.

CHAIR WHITE: Any further discussion, Members? Again, this is on the waiver.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Is this to, so we can actually pay our Staff right now, too? Or that --

CHAIR WHITE: No.

COUNCILMEMBER COCHRAN: --has no bearing on that right now then?

CHAIR WHITE: Currently the...

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Currently they're coupled with the Prosecutor and Corp. Counsel. So this would decouple it so that we can provide...one of the challenges the Chair has is the Salary Commission seldom puts forth a graduated scale. In other words, December 9th they established a 12 percent increase right now. At the, I can't remember whether it was Honolulu or the State Legislature just passed a similar increase but it was 12 percent over a six-year period, 2 percent a year. Well, I'm comfortable voting on something like that, I'm not comfortable voting on a 12 percent at one time. So this allows us the flexibility to establish a more moderated set of increases. And again, it's all...this is just simply decoupling it. We have to come back at another time and actually vote on whether, on the actual salaries. So this is not setting salaries, this is just simply decoupling it from the Corp. Counsel and Prosecutor salaries.

COUNCILMEMBER GUZMAN: So, Chair, you're saying that our attorney, our Legislative Attorneys may get paid less than Corp. Counsel attorneys or Prosecuting attorneys?

CHAIR WHITE: No, they'll get paid --

COUNCILMEMBER GUZMAN: And so...

CHAIR WHITE: --whatever we decide, and the scale will either, either can be increased or it can be kept the same, or it can be reduced. That's a future decision, not one for tonight.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yeah? Ms. Cochran.

COUNCILMEMBER COCHRAN: I'm trying to, you know, the Council Services Staff we just approved and it had the pay, the CR...just trying to refer back to the positions we approved just now and how the pay here refer to the people we just approved. Oh, here we go.

CHAIR WHITE: Yeah, it's on the...

COUNCILMEMBER COCHRAN: CR...so how would I read this though is what I'm trying to get at. So...

CHAIR WHITE: If you look at the number...

COUNCILMEMBER COCHRAN: CR-1F. Okay, got it.

CHAIR WHITE: Yeah.

COUNCILMEMBER COCHRAN: So if I'm looking at CR-1, go down to F --

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: --55,486.

COUNCILMEMBER HOKAMA: Right.

COUNCILMEMBER COCHRAN: Okay. And so we're creating a pay scale that gradually, I mean depending on where they're at, you have a format, I mean instead of just boom, you get 12 percent increase this year. And Salary Commission decides no, you get 10 percent.

CHAIR WHITE: And I may have misspoken on the 12 percent increase. That's what they decided on the, for the department heads. I don't think they have just...Mr. Wong, maybe you can correct me, I don't think they've decided yet on the Prosecutor and your position. Is that correct?

COUNCILMEMBER COCHRAN: Okay.

DIRECTOR OF COUNCIL SERVICES: Mr. Chair.

CHAIR WHITE: Wait. Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: If you don't mind me making clarification a little bit. The bill in front of you this morning is to, as mister, as the Chair mentioned, to break

the connection between the Director of Office of Council Services' salary and either the Prosecuting Attorney or the Corporation Counsel, whichever is higher, is what the current Code sets the Director's salary at. So a portion of that bill in front of you is to break that connection and allow the Council to set the salary of the Director of Council Services.

The second portion of that bill is to create a position called Supervising Legislative Attorney and set the pay at 95 percent of what the Director is, salary is set. And I know there was some confusion because in the staff appointment Mr. Garneau is listed as a Supervising Legislative Analyst. We had to put him into that position because there is no Supervising Legislative Attorney position created in our structure in our system by Code right now. So that's why this bill accomplishes those two items, yeah, not just the one thing about the salaries.

Salaries for the attorneys within the Office of Council Services will be, they're in Code separately and they can be addressed should the attorneys for the...and I would recommend to you that they be addressed if the attorneys for the Corporation Counsel and Prosecuting Attorney get revised.

CHAIR WHITE: Okay. Thank you for that clarification.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Okay. So annual salary for the Supervising Legislative Attorney shall be 95 percent of the salary of the Director of Council Services. What is that? Where, I'm trying to figure out what is this --

CHAIR WHITE: It...

COUNCILMEMBER COCHRAN: --pay scale --

CHAIR WHITE: That hasn't...

DIRECTOR OF COUNCIL SERVICES: Yeah.

COUNCILMEMBER COCHRAN: --code.

CHAIR WHITE: Yeah, that hasn't been set yet.

DIRECTOR OF COUNCIL SERVICES: Yeah. So, Mr. Chair.

COUNCILMEMBER COCHRAN: Oh...

DIRECTOR OF COUNCIL SERVICES: Sorry.

So what the discussion is be, if this passes first reading, it's a bill to change the Code so it has to have two readings. So the, what the plan was is if that passes first reading today then at the next Council meeting then where it would have a second reading, a resolution would be introduced setting that salary as well. Right? So that it will be set at a future time. We couldn't introduce a resolution setting the salary today because this bill hasn't passed yet.

COUNCILMEMBER COCHRAN: But...Chair.

We have a --

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: --salary set for Mr. Garneau who would be the Supervising Legislative Attorney. There's a, he's a CR-7J. Right? Right? Is what I'm reading on what we just approved previously.

CHAIR WHITE: Yeah. It's there on what we've previously approved.

COUNCILMEMBER COCHRAN: Right.

CHAIR WHITE: It's not in the Code yet.

COUNCILMEMBER COCHRAN: Okay. And so we --

DIRECTOR OF COUNCIL SERVICES: Miss...

COUNCILMEMBER COCHRAN: --know that Council Services Director who will be yourself, Mr. Baz?

DIRECTOR OF COUNCIL SERVICES: Yes.

COUNCILMEMBER COCHRAN: Right? So it's going to be your salary --

DIRECTOR OF COUNCIL SERVICES: Correct.

COUNCILMEMBER COCHRAN: --that we haven't approved yet or haven't figured out what the dollar amount is.

DIRECTOR OF COUNCIL SERVICES: Right.

COUNCILMEMBER COCHRAN: But Mr. Garneau's needs to be 95 percent of yours?

DIRECTOR OF COUNCIL SERVICES: Yes. That's what the proposal is on the floor in that bill is to set it at 95 percent of the Director's salary. The, what's listed for Mr. Garneau now where it's a CR-7J is the Supervising Legislative Analyst position. What the bill creates is a Supervising Legislative Attorney position so there is a distinct difference between the two positions.

COUNCILMEMBER KING: So I have a question, Mr. Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Don't we have to create this position first? Because the position is not even on our, the staff positions that we approved. The, there's no Supervising Legislative Attorney, there's a Supervising Legislative Analyst. So there's no position there. And then and I'm kind of confused because we're saying we need an attorney to supervise an attorney, but we have a non-attorney supervising the supervising attorney. So how does that work? I mean if there's a requirement that there has to be an attorney supervising attorneys then we have some kind of a disconnect here. I'm confused.

CHAIR WHITE: Well, I think Mr. Wong mentioned earlier that there are situations in private practice and I don't know about elsewhere, where there are non-attorneys supervising the attorneys. And I don't...maybe you can...

COUNCILMEMBER KING: But I mean we just said that we have to have an attorney supervisor and that's...I mean I'm confused because first of all I thought we would need separate legislation to create a new position.

DIRECTOR OF COUNCIL SERVICES: Yeah. So, Mr. Chair.

The legislation in front of the Council right now is to create that position, that's the secondary portion of this bill. So Ms. King is correct, there is no position right now. A position does need to be created. This Code would allow for the creation of that position, of the Supervising Legislative Attorney position.

COUNCILMEMBER KING: Okay. Well, I'm, you know, I'll just again reiterate that I think if we're going to create a new position and have a discussion, I'd like to do it in committee and not at 3:30 in the morning.

COUNCILMEMBER HOKAMA: But we have no committees. So it's not going to happen.

CHAIR WHITE: Members, any further discussion?

COUNCILMEMBER COCHRAN: Okay. So...

CHAIR WHITE: This is...Mr. Clerk.

COUNCILMEMBER HOKAMA: Motion is on the waiver.

COUNTY CLERK: On the waiver.

CHAIR WHITE: We're still on the waiver right?

COUNTY CLERK: . . .*(inaudible)*. . .

CHAIR WHITE: We're all getting a little punchy.

COUNCILMEMBER COCHRAN: Gee, I wonder why.

CHAIR WHITE: Okay. On the waiver, all those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: COUNCILMEMBERS GUZMAN AND KING.

CHAIR WHITE: We have seven "ayes," one...

COUNCILMEMBER KING: Call for a vote, a voice vote, or roll call.

CHAIR WHITE: Pardon? No, no, we know it. The vote, the measure passes with seven "ayes" and two "noes."

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, WITH THE WAIVER PASSING, I MOVE NOW TO PASS ON FIRST READING, BE ORDERED TO PRINT, A BILL FOR AN ORDINANCE ATTACHED TO COUNTY COMMUNICATION 17-1, "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY."

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is a second step to, or I guess two more steps we're going to need to do before this can take place. This first step will pass first reading, be ordered to print. Also in the meantime before second reading, the bill can be posted, a resolution before the Council shall also be submitted simultaneously that would set the salary range for that position. So that upon second and final reading, and the passage of the resolution, that we would be in compliance to deal with that position called Legislative Supervising Attorney.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any discussion?

Seeing none, all those in favor, please signify by saying "aye."

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

CHAIR WHITE: Those opposed say "no."

NOES: COUNCILMEMBER KING.

CHAIR WHITE: We have...the measure passes with eight "ayes" and one "no." That would be Ms. King.

And I'm sorry, the, I didn't mention on the earlier vote, I think you probably got it but it was Mr. Guzman and Ms. King.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, did that motion include the filing of the communication?

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATION 17-1.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Okay. All those in favor, please signify by saying "aye."

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no."

NOES: NONE.

CHAIR WHITE: The measure passes with nine "ayes."

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following Communications 17-2 on through 17-13 are all relative to referrals of the various matters.

NO. 17-2 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to referral of various matters that were referred to the Council Chair for the term beginning January 2, 2017, pursuant to recommendations in committee reports adopted on December 2, 2016, and December 16, 2016.

NO. 17-3 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to referral of various matters anticipated to be pending at the end of the 2015-2017 Council term.

NO. 17-4 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to matters from the 2015-2017 Council term that were referred to the Council Chair for the 2017-2019 term at the Council meetings of the December 2, 2016, and December 16, 2016.

NO. 17-5 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Filing of various matters that were referred to the Council Chair for the term beginning January 2, 2017.

NO. 17-6 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to litigation matters.

NO. 17-7 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to nominations to boards, committees, and commissions

NO. 17-8 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to Hawaii State Association of Counties matters.

NO. 17-9 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to the Maui County Legislative Package.

NO. 17-10 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to amendments to the Rules of the Council.

NO. 17-11 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to proposed Charter amendments.

NO. 17-12 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes.

NO. 17-13 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to amendments to Appendix A, Grant Revenue - Schedule of Grants by Departments and Programs for Fiscal Year 2017.

CHAIR WHITE: Thank you.

And my understanding is if we have no committees to which these can be referred, we need to hold off on action on these items.

So with that, Mr. Clerk, are we at the end of our agenda?

COUNTY CLERK: Mr. Chair, there's no further business before the Council.

COUNCILMEMBER HOKAMA: Mr. Chairman.

COUNCILMEMBER COCHRAN: Chair. Okay.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Just to drag it out a little longer for us. Seventeen dash five, Chair, you have picked certain items to file and I was just curious why. A few of these I believe I had chosen to want to get referred, and now you're choosing to file them. I mean I think a lot of these are very important and so I was just curious if there's a way you could explain the justifications for filing items in 17-5.

CHAIR WHITE: Well, since we're not taking action and I can't at 3:30 --

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: --in the morning, I can't remember what the heck we've --

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: --got on it, so.

COUNCILMEMBER COCHRAN: All right. I guess we can table that and discuss it --

CHAIR WHITE: Yeah. We'll have the...

COUNCILMEMBER COCHRAN: --at another time.

CHAIR WHITE: We'll have a full discussion at the, after we establish committees we'll be able to discuss the referrals.

Any other discussion, Members?

Seeing none, I want to thank you all for your perseverance this evening. And I look forward to working with all of you. And I do believe we can bring all of this back together again. And I look forward to seeing you sometime in the next week. We've got a...we'll be posting the three-Member public hearing. As I said earlier, it is likely to be sometime on the 16th or 17th, so Staff will be calling to poll for your availability on those dates.

So thank you all very much, and we are...oh, I'm sorry.

COUNCILMEMBER GUZMAN: Are we going to get a Ramseyer version of the proposed --

CHAIR WHITE: Yes.

COUNCILMEMBER GUZMAN: --amendment?

CHAIR WHITE: Yeah.

COUNCILMEMBER GUZMAN: Okay, thank you.

CHAIR WHITE: Yeah.

Okay with that, we are adjourned.

ADJOURNMENT

The organizational meeting of January 2, 2017 was adjourned by the Chair at 3:36 a.m.

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

170102o

CERTIFICATE

I, Daniel Schoenbeck, 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 23rd day of January, 2017, in Kula, Hawaii

Daniel Schoenbeck

Daniel Schoenbeck

Updated document

responsible_citizenry@hushmail.com

Mon 1/2/2017 11:28 AM

To:County Clerk <County.Clerk@mauicounty.us>; Maui_County Council_mailbox <county.council@mauicounty.us>;

1 attachments (49 KB)

Council testimony - 1-2-17.pdf;

Aloha nui

Please forgive the confusion. The attached is an updated version of the previous document. If timely and convenient to do so, would be most grateful for this to replace the former.

Mahalo nui loa

LK

Sent using Hushmail

RECEIVED
2017 JAN 2 PM
~~2016 DEC 23~~ AM 11:37
OFFICE OF THE
COUNTY CLERK

I am deeply saddened upon reading the December 28th Huntington Post article (from NYC no less) titled ***"Will an illegal backroom county government control Maui's Future?"***

Here we read of a councilmember having conspired with other council members to establish himself as Council Chair and another as vice-chair via a backroom coup violating County Charter Section 3.5 that regulates these positions to public election by all Council members today.

Indeed, there is no aloha, ohana or pono here. No integrity respecting Maui's indigenous people and her `aina. No respect either for her keiki, subject as they are to the inevitable critical decisions of this council.

Ha`oli as I am, I've every right to say this power grab DOES ring of 1887 when a group of white men we know well, literally stole the leadership of Hawai`i to begin the forever-expanding exploitation grounded today in imbalanced commercial tourism, spec-marketed construction and realty expansion!

Alas, I am tired of powerful, rich men of any race grabbing endless wealth and dominance to further the extremes of disparity and jeopardy we so readily witness today! By contrast, I'm inspired by Hawaiian Hospitality Association co-founder Peter Apo's vision of balanced "cultural visitation" empowering visitors to "gain the wisdom of this culture" beyond simply playing here and buying up property.

In closing, were I a council member involved in this coup, I could not bring myself to enter these chambers, as my presence would continue the insult and further the jeopardy.

I therefore call upon said council members to surrender their falsely obtained positions **AND** in company with any other members involved ... to promptly withdraw their further participation on this council.

Lawrence N. Koss
Responsible_Citizenry@hushmail.com
Wailuku HI 96793

TESTIMONY OF LINDA PUPPOLO

- Imagine running for County Council office for over a year. Spending hours and hours campaigning. Standing in the hot sun and the rain day after day waving, holding signs and interacting with Maui residents. Imagine all the cooking, fundraisers, Campaign Spending Reports. And then the best thing happens... you are elected as an equal member of the Maui County Council.
- Then just two days later on November 11, 2016, there comes a press release-------Mike White will continue to serve as chair of the Maui County Council and Robert Carroll will serve as vice-chair during the 2017-2019 Council term, which begins on Jan. 2. ***The new Council announced it has been preparing for a seamless transition. "Over the past two years, we have had one of the most productive terms in recent history," said Council Chair White. "It is important to continue this momentum by finalizing the Council's internal administrative work early on, so we can focus on critical issues that directly impact Maui County residents."*** **Councilmember Riki Hokama will continue to serve as head of the Budget and Finance Committee and Councilmember Robert Carroll will continue to lead the Land Use Committee. Other leadership roles are being finalized and will be announced at a later date.**
- **Four leadership roles were established in that press release just two days after the election and in violation of the spirit of the Sunshine Law after a two year term of continual Council and County Government Infighting.**
- **Can board members discuss board business outside of a meeting?** The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed meeting, with certain statutory exceptions. While the Sunshine Law authorizes certain interactions between board members outside of a meeting, the statute expressly cautions that such interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. ***In practical terms, this means that board members cannot "caucus" or meet privately before, during, or after a meeting to discuss business that is before the board or that is reasonably likely to come before the board in the foreseeable future.***
- **How does one decide leadership on the Council if there was no meeting noticed?**
- **Are these impromptu meetings held by Council Members a violation of the Sunshine Law?**
- **The Leadership of Council is the first important decision of a new Council. The County Charter states that the decision of leadership is to happen on January 2nd at a meeting noticed properly by the County Charter and within the compliance of the Sunshine Law. WHY TRY TO CHANGE THAT?**
- **We all have our theories as to why one would jump the gun on leadership decisions. But jumping the gun is not good leadership. And we are not probably going to agree on all that transpired. Start over today. Let it go.**
- **I once worked for a man who believed one should ask for forgiveness; not permission. Worse most chaotic place I ever worked in my entire life. The organization survived but it did not thrive under that thinking. Getting away with pushing an agenda might work temporarily but there is a price to pay in the long run. Some of those prices are; residents disengaging from voting because lack of belief in the system, voting out politicians out of touch with true democratic principles, constant infighting on the Council and within County government and a true breach of what is PONO.**
- **I am here to ask you for a DO-OVER. I know most of you on the Council. You are people with PRINCIPLES. That is why you worked this hard to get here. Give the New Council Members a chance to participate in an EPIC FIRST meeting that is respectful, insightful, fair and shows what true leadership is all about. Call back this press release. *No hard feelings.* Follow the rules and have a real meeting as the County Charter intended. Choose leadership before the people for the people. Stop fighting, put aside egos and embrace your strengths and weaknesses as a united and whole body. That includes accepting the leadership vote.**
- **That is when the true work will begin to help us. Have those heated discussions. Be tough but be fair and transparent. Especially now after witnessing a National Nightmare. This IS Maui after all.**

Mahalo for listening,

Linda Puppolo

A Believer in Democracy

lpmindeze@gmail.com

RECEIVED
2017 Jan 2 AM 7:28
~~2016 DEC 33~~
OFFICE OF THE
COUNTY CLERK

Public Testimony
Appointments by the Council
January 2, 2016

Good afternoon elected members of the Maui County Council.

My name is Eric Poulsen, I live in Lahaina, and at great personal expense and continuing dedication to my personal quest for transparent and responsible government, I bring forth a matter which should not only haunt your conscience, but also be taken into consideration of who you shall appoint today as Chair and Vice Chair.

For those who are attendance today, I would like to educate my fellow residents on what these three large boxes represent. For over 40 years, the attorneys in the Department of Corporation Counsel have executed agreements with private developers that allow them to "defer" the financial expense of installing roadway infrastructure and drainage obligation. They do so by signing an agreement with the County attorneys.

These agreements, 21 notebooks full of them, were previously unaccounted for, and never once have they been recognized by this Council in an adopted Budget as a source of millions of dollars of revenue to offset public expenditures. I state for the record, this is violation of the County Charter.

Further, the Mayor is required by Charter to prepare a budget which is a complete financial plan. How can you have a complete financial plan that does not acknowledge potentially millions in debts owed to the public? Again, I state for the record the County Charter has been violated by Mayor Arakawa.

The records clearly show, these agreements have been concealed from the public and this Counsel for decades. To prove this point, when I brought these agreements to County Council in my testimony a few months back, Mr. Carroll, it is on the record, that you asked me, a citizen, if I could provide copies of these agreements.

Former Council member Couch claimed an investigation had occurred on this, abuse of public funds. After the State Office of Information Practices intervened, The Corporation Counsel admitted there was no records of a Council investigation. Mr. Carroll, as the proposed Vice Chair, how can you have an investigation of these agreements that you asked me for copies?

Mr. White, who are the jokers in this deck of cards that The Corporation Counsel has dealt us with these thousands of deceptive agreements?

Allow me to put this in plain language, these massive amounts of phantom agreements are potentially not worth the paper they are written on. Each and every year when County roadway projects are funded by this Council, we the citizens of Maui County pay for infrastructure obligations that were the responsibility of private developers to pay for. What cannot be denied by this Council is the fact that THE Corporation Counsel has gambled with our hard earned tax dollars to serve private developer interests.

Mr. White, is it not responsibility of this Council to investigate the conduct of every department, including Corporation Counsel? Why have your failed to do so as on this proven misuse of public funds? Why is the Mayor's Budget Director now in Counsel Services? Is the discovery of these unclean agreements the reason that responsible public servants are being fired and escorted out the door?

My concluding statement is clear. These boxes expose the highest level of collusion, corruption, and continuous tampering of government records by the attorneys in The Corporation Counsel for over 4 decades. Therefore, it would not be in the public interest, and in fact, it would be irresponsible to appoint a Chair from the current Counsel before it is determined who else directly or indirectly responsible for this massive abuse of public funds. Mr Carrol, I will honor your request and deliver these boxes to council services for duplication today. Unless each and every council member can state for the record that they have reviewed each and every one of these developer agreements executed with county attorneys

The Charter is clear, anyone who plays a role in using public funds to serve private interest is subject to removal from office. Mr. White, can you state with a clear conscience that your recent, aggressive removal of dedicated public servants and the shifting of the mayors budget director is not directly linked to what has been disclosed and proven with these documents.

Eric Poulsen

Dear Councilmembers,

Congratulations on the start of a dynamic two year term of service. I am so excited about strengthening our local politics. Dynamism is built through diversity, and Mike White's proclomation that he was the new Council Chair was really preposterous, disrespectful, and has set the tone to activate the community around unacceptable and unjust behavior. So, Mahalo for that & I ask that the newly elected Council not give the Chair position to Mike White. He doesn't deserve it. Mahalo!

Sunny Savage-Luskin 808-866-8294

01/02/2017-Congratulations New County Council Members! My view on Leadership Positions for County Council 2017-2019

RECEIVED
2016 DEC 30 PM 1: 22
OFFICE OF THE
COUNTY CLERK

CARMIE <CARMIE@Hawaii.rr.com>

Fri 12/30/2016 1:24 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Importance: High

Greetings Council:

Congratulations to the new members for successfully winning positions as Maui County Council Members. Democracy in its perfection is the number of people who voted in support of you and believe you will represent them in your leadership law making roles. May this be an awesome productive 2-year commitment ahead supporting us all in Maui County.

I respectfully request that you vote for the Leadership Positions that will best suit the entire County of Maui Constituencies. My personal choice is Don Guzman an Elle Cochran for Chair and Vice Chair for the County Council. They have demonstrated tenacity, compassion, solid ethical decisions, fairness, and they work hard for the benefit of us all.

Both Council Members have demonstrated consistently their qualifications in overall approach to governance, knowledge, and responsiveness to all constituents. They will make great role models for your new positions. Your representing all of us can be overwhelming or daunting and requires complete dedication. You are so fortunate to have those two as solid role models. We all benefit with your contribution to our successes. I thank you for your services.

Best wishes to you all for continued successes. I pray we can all work together for the betterment of us all. May the Force Be With You!

Respectfully,
Carmie Spellman
Front Street Apartments
Lahaina, HI 96761

1/2/2017 New Council Welcome, Positioning..Please replace Stacey Crivello as Chair of Housing and Human Concerns-4 years no output NOW THE FRONT STREET APARTMENTS CATASTROPHE!

CARMIE <CARMIE@Hawaii.rr.com>

Fri 12/30/2016 2:37 PM

Inbox

To:County Clerk <County.Clerk@mauicounty.us>;

Importance: High

1 attachments (25 KB)

Front-Street-Apts_LIHTC_Qualified-Contract_Listing_Final_2016-04_A-1 (1).pdf;

RECEIVED
2016 DEC 30 PM 3:14
OFFICE OF THE
COUNTY CLERK

Dear Council:

Please replace Council Member Crivello as Chair of Housing and Human Concerns. I have not seen any results in the past 4-years.

Meanwhile, homelessness is ubiquitous . Four years being Chair of Housing and Human Concerns and nothing to show for it except for this final fatal mistake here at the Front Street Apartments. Now, I am looking at homelessness myself due to the inattention to detail in the latest disaster the Front Street Apartment Atrocity. Director Carol Reimann is unsuited for her position, as she is not qualified and clueless. I have seen nothing come out of Crivello's Chairmanship of the Housing and Human Concerns Committee as it relates to Homelessness or Affordable Housing Progress. We need Triage at this point.

I want some results! Get people in these critical positions that can get results. One Hundred Forty plus units will no longer be Affordable as of 2019. That is 100's of people that will be homeless. Yet the attached paperwork says they are classified as Affordable until 2051. It is not too late but it will be if you reappoint her please do not! Gross incompetence on multiple levels from the State, County Cabinet and Council is untenable but it can be fixed you just have to put somebody in there that is qualified.

Four years of practice and then this happens. Unacceptable. Please can we get some Members who have a background or the ability to get this job done? It is a crisis! For me it was a lousy holiday season and I contribute that to the Mayors' ignorance in placing a nonqualified person in that Director position for Housing. That is his ignorance. Now Council I pray that you will do the right thing and put somebody else in this crucial role of Chair for Housing and Human Concerns because you can do something about these problems. Thank you.

Respectfully,
Carmie Spellman
Front Street Apartments
Long-Term Resident
(Retired and perm disabled)

Low Income Housing Tax Credit Project for Sale under a Qualified Contract Request in Accordance with Section 42 (h) (6) of the Internal Revenue Code

Project Information and Summary:

Project Name:	Front Street Apartments
Location:	2001 Kenui Place aka 1056 Front Street Lahaina, HI 96761
TMK:	(2) 4-5-003-013
Project Owner:	Front Street Affordable Housing Partners, L.P.
Land Tenure:	Leasehold Fee Owner: 3900 Corp
Qualified Contract Period Expiration	August 4, 2016
Qualified Contract Price: (As of December 31, 2014)	$15,395,813
Appraised Value (as of July 22, 2015)	$8,710,000
Units	142 Units
Affordability Breakdown:	70 Units at 50% Area Median Gross Income ("AMGI") 71 Units at 60% AMGI 1 Manager's Unit
Affordability Commitment:	• Low Income Housing Tax Credit ("LIHTC") Program • Affordability governed by a LIHTC Declaration of Restrictive Covenants dated August 9, 2002 • Affordability Commitment Expires on December 31, 2051

In accordance with Section 42 (h) (6) of the Internal Revenue Code ("IRC") Hawaii Housing Finance and Development Corporation ("HHFDC"), on behalf of Front Street Affordable Housing Partners, L.P., is seeking a purchaser for the Front Street Apartments ("Project") under a Qualified Contract Request.

Pursuant to the IRC, a Qualified Contract is a contract to acquire the non-low-income portion of the building for a fair market value and the low-income portion of the building for an amount not less than the Project's applicable fraction multiplied by:

1. The outstanding indebtedness secured by, or with respect to, the building; plus
2. The adjusted investor equity in the building; plus
3. Other capital contributions not reflected in the foregoing; less Cash distributions from (or available for distribution from) the Project.

The Project's minimum Qualified Contract Price as of December 31, 2014 is $15,395,813. In addition to meeting the minimum Qualified Contract Price, the buyer must continue to operate the low-income portion of the building as "a qualified low-income building" in accordance with the IRC.

A prospective buyer wishing to purchase the Project, at no less than the Qualified Contract Price, is responsible for preparing and submitting a Qualified Contract to the Owner and a copy to HHFDC. The Qualified Contract must only clearly state the **intent** of the buyer to purchase the Project from the Owner **at no less than the Qualified Contract price**. Outside of the

Qualified Contract, the prospective buyer and the Owner must negotiate all other terms and conditions of the Project sale. Accordingly, despite the presentation to the Owner of a Qualified Contract, the Project is still contingent upon negotiation of other mutually agreeable terms and conditions.

In accordance with HHFDC's Qualified Allocation Plan, the following information is available through HHFDC for prospective buyers of the Project:

a. copies of annual audited project financial statement for all years;
b. copies of loan documents for all secured debt during the compliance period;
c. copies of partnership agreement (original, current and all interim amendments);
d. current title report (no more than 60 days old from the date of Qualified Contract Application);
e. a physical needs assessment for the entire project (no more than 60 days from the date of Qualified Contract Application);
f. an appraisal prepared by a qualified third party appraiser for the entire project (no more than 60 days from the Qualified Contract Application);
g. a Phase I environmental report (no more than 60 days from the Qualified Contract Application); and
h. other relevant documents.

HHFDC makes no representations or warranties about the Project, the property, any improvements thereon, or any information related to the Project that the Owner provided or prepared. All parties interested in entering into a Qualified Contract for the Project are responsible for their own research, due diligence, underwriting, and inspections.

HHFDC makes no representations regarding the availability or use of any financing resources that it administers to purchase the Project. Any party interested in using any financing program administered by HHFDC for the Project are subject to the same application, underwriting, and approval process as any other applicant.

HHFDC shall not be responsible for the payment of a real estate commission or other fees related to the sale of the Project.

Interested parties may contact the following HHFDC personnel regarding a Qualified Contract for the Project:

- Patrick Inouye – (808) 587-0797
- Jocelyn Iwamasa – (808) 587-0576
- Dean Sakata – (808) 587-0575

James R. Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

RECEIVED
2017 Jan 2 ~~2016 DEC 33~~ AM 7: 28
OFFICE OF THE
COUNTY CLERK

January 02, 2017
Maui County Council
County of Maui
200 S. High St.
Wailuku, Maui HI 96793

TESTIMONY RE: Resolution 17 - 04

Aloha,

At this first meeting of the New Year, this Council considers for adoption its Rules of Council, Resolution 17 – 04. At Proposed Rule 17 B. Oral Testimony (3) Conduct, the rule states in pertinent part: "Testifiers shall direct their remarks to the presiding officer and not to any individual Council member or person in the audience" The Sunshine Law grants a person the right to testify to a Board or Agency and the members of Council are part of a Board, by definition. This proposed Rule threatens to harm my right to participate in decision-making, as provided in our Sunshine Law. I speak to a Board not a king.

I request that this legislative body remove the offending part of proposed Rule 17B, Oral Testimony, (3) Conduct as referenced, if it finds truth in what is presented here.

Mahalo,

/s/ James R. Smith
01_02_17
572-0218

James R. Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

RECEIVED
2017 Jan 2
~~2016 DEC 33~~ AM 7: 28

OFFICE OF THE
COUNTY CLERK

January 02, 2017
Maui County Council
County of Maui
200 S. High St.
Wailuku, Maui HI 96793

TESTIMONY RE: Resolution 17 - 05

Aloha,

Proposed Resolution 17-05, by it's terms informs citizens where and what Committees will deliberate upon matters of significant importance to health, well-being and security. It appears to be inadequate.

Past Councils have established two committees to take up matters of significant importance, and assigned nine members as recognition of importance. These were Budget and Finance Committee and the Committee of the Whole. Then, the Council established the Policy and Intergovernmental Affairs Committee to separate subjects of equal importance but different framework from the Committee of the Whole.

This Resolution eliminates these Committees and creates confusion e.g. Where will deliberation upon matters such as the demolition of the Wailuku Post Office or Mayorial misconduct regarding assessed value of land desired to be purchased by the County find a home? In this proposed resolution such matters are treated the same as Recreational issues in a Committee identified as Parks, Recreation Energy and Legal Affairs. (See Reso at Committee 5c page 4)

This proposed resolution treats the establishment of Committees as a formality, unimportant, when it is the lifeline of citizen participation.

The proposed resolution includes at page 2, number 2 item (f) of the Housing and Human Services and Transportation Committee (HHST) a duty that it deliberate upon amendments to the Subdivision Ordinance and Building and Construction Codes. The subject matter of the subdivision and building code regulation, infrastructure and safety affect all of us, equally, no matter the price of a house, as such these specific responsibilities belong exclusively in another Committee.

Neither of the above referenced proposed Committees is assigned nine members regardless of the importance deliberation upon legal issues and policy.. This degrades and trivializes the duty to protect citizens from executive abuse of power. It may in fact facilitated an ongoing abusive circumstance.

I ask that the proposed establishment of Committees be revised to include a nine member Committee of the Whole, and that the subjects raised here, or any other matter assigned to proposed committees, be reviewed by a Committee of the Whole prior to referral.

Mahalo,

/s/ James R. Smith
01_02_17
572-0218

Jen Fordyce, Waikapū
808-268-6452
Written testimony re.
Resolutions 17-1 through 9

Congratulations & mahalo to the council members for their service. I want to say that the new Council should be voting for their Chairperson & Committees. The people of Maui elected the new Council in good faith that they will work together to represent everyone's interests. It is at ~~best~~ worst illegal and at best a disregard for the spirit of cooperation to appoint leadership without the input of the full Council

Jan 2, 2017

Testimony re: Ethics Complaint against Mike White, Maui Council Member from Ann Pitcaithley, Wailuku, HI

Dear Maui County Council,

Maui County Council member Mike White committed a violation in his recent action declaring that he will continue to serve as chair of the Maui County and that Robert Carroll would serve as vice chair for the term from 2017-2019, beginning January 2nd. I believe this is a blatant violation of the Maui County Charter section 3.5, which dictates that a vote for the Council Chair be determined by all new Council members on January 2nd. This decision was made prior to the new Council members were even sworn in. This inappropriate and illegal action has apparently been decided in secret behind closed doors several weeks back.

I demand that our elected officials do what is legal and pono and hold the transparent and public election for the powerful seat of County Chair here today as they are obligated to by law.

This is clear disenfranchisement of Maui's citizens and the elected representatives that we voted for.

As a Maui citizen, I demand an end to secret deal making, and an end to special interests influencing how our county council votes.

Sincerely,

Ann Pitcaithley
326 Maka Hou Loop
Wailuku, HI 96793
250-2280

Subject: Written testimony for today's agenda items
From: Jerry Riverstone <rvrstn@hotmail.com>
Date: 1/2/2017 4:25 PM
To: county.clerk@mauicounty.us

Aloha Mayor Arakawa and Council Members,

I was told that due to the large number of testifiers at today's meeting I would be allowed to submit written testimony, and I hope that is still the case.

I would like to submit testimony on the following Resolutions:

17-1 Given the manner in which the Council Chair election and Committee appointments have been handled, I request that Mike White not be elected as Council Chair. I see one of two possibilities that happened in November immediately after the election. Either:
- Mr. White decided unilaterally that he would be Council Chair, or
- Mr White and a number of other Council members met, excluding other Council members, and voted for Mike White as Council Chair.

Neither of those is acceptable procedure, and both violate the principle of transparency embodied in the Sunshine Law.
Only a couple days after the Council elections Mr White announced on the County website that he would be the Council Chair -- despite the fact that legally that matter is discussed at the first Council meeting of the new year.
Given this situation, Mike White should not be elected County Chair. Instead Mr. White should explain how it came to be decided that he would be the next Council Chair, and apologize for bypassing the legal democratic process.

17-1, 17-2, 17-3. None of these decisions should be made until the new Council has a chance to discuss these issues in an open and transparent manner, at a meeting open to the public.

17-4 There should be no limit to the number of voting members on Council Committees, and Council members should be allowed to select the committees they would like to serve on. If any given Committee does not have at least five voluntary members, the Council Chair can appoint members to that committee.

17-5 These decisions should be postponed until the new Council has a chance to discuss these issues in an open and transparent manner, at a meeting open to the public.

An informed and active public is vital to the democratic process, and I am optimistic that the Council and the citizens of Maui cn work together toward a positive future.

Mahalo,

Jerry Riverstone
Pukalani

--
Jerry Riverstone
808-280-6612
rvrstn@hotmail.com