

POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE

Council of the County of Maui

MINUTES

July 2, 2018

Council Chamber, 8th Floor

CONVENE: 9:04 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Stacy Crivello, Vice-Chair
Councilmember Alika Atay
Councilmember Elle Cochran
Councilmember Don S. Guzman (in 10:56 a.m.)
Councilmember Kelly T. King

EXCUSED: Councilmember Robert Carroll
Councilmember Riki Hokama
Councilmember Mike White

STAFF: Shelly Espeleta, Legislative Analyst
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

Kate Griffiths, Executive Assistant to Councilmember Kelly T. King

Morris Haole, Executive Assistant to Councilmember Robert Carroll

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel,
Department of the Corporation Counsel
David Underwood, Director, Department of Personnel Services

Seated in the gallery:

Pamela Ann Mayer Eaton, Planning Program Administrator,
Department of Planning

Michael Miyamoto, Deputy Director, Department of
Environmental Management

OTHERS: Jim Smith (Items 10(2) & 10(7))
Marjorie Bonar (Item 10(2))
Mark Hyde (Item 10(2))

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Rob Weltman (Item 10(5))
Paul Kailiponi (Item 10(2))
Dale Bonar (Item 10(2))
Ke`eaumoku Kapu (Item 10(5))
Uilani Kapu (Item 10(5))
Albert Perez, Executive Director, Maui Tomorrow (Item 10(2))
Lawrence Carnicelli, Government Affairs Director, REALTORS®
Association of Maui (Item 10(2))
(2) additional attendees

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

CHAIR SUGIMURA: *... (gavel) ...* Good morning, everyone. Welcome to the Policy, Economic Development, and Agriculture Committee. Today is July 2nd. It is now 9:04 and we are going to begin our meeting. Please silence all cell phones and noise-making devices at this time. I'd like to do roll call. My name is Yuki Lei Sugimura. I'm your Chair. Thank you, Stacy Crivello, my Vice-Chair for being here.

VICE-CHAIR CRIVELLO: Aloha.

CHAIR SUGIMURA: Aloha. Alika Atay.

COUNCILMEMBER ATAY: Good morning.

CHAIR SUGIMURA: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, and good morning.

CHAIR SUGIMURA: Kelly King.

COUNCILMEMBER KING: Good morning, Chair.

CHAIR SUGIMURA: Good morning, everyone. I will let you know that we are at bare quorum right now and, but we will conduct our meeting and if anybody has to leave for any reason, please let me know. From our Administration for the County Governance Administration we have, from the Administration we have Dave Underwood from Department of Personnel Services; Keith Regan, our Managing Director is on-call if we need him. For PEA-5 we have Will Spence, Planning Director standing by, Stuart Stant, or Mike Miyamoto I think is standing by for that item. For PEA-4 we have Mark Walker, Director of Finance. And all items, thank you very much, we have Ed Kushi, Deputy Corp. Counsel, First Deputy Corp. Counsel. My Staff, Shelly Espeleta; Committee Secretary, Clarita Balala; Hana Office, Lanai Office, Molokai Office is all here. I'm going to start taking public testimony, Members.

COUNCILMEMBER KING: Chair, just a quick question. You said someone was standing by for PEA-4, which one is that?

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CHAIR SUGIMURA: PEA-2, I'm sorry.

COUNCILMEMBER KING: Oh, okay.

CHAIR SUGIMURA: PEA-2, which is...

COUNCILMEMBER KING: Ten dash two, okay, I didn't, I thought I didn't see a 4 so I was just wondering why you said that.

CHAIR SUGIMURA: The items on the agenda today are PEA-10(2) Proposed Charter Amendment for County Governance' PEA-10(5) Proposed Charter Amendments for Office of Climate Change, Sustainability, and Resiliency; PEA-10(7) Proposed Charter Amendment Deleting the Requirement of Council Approval to Remove the Director of Water Supply and the last item is PEA-10(4) Proposed Charter Amendments for the Department of Land Management. Today, we have these four items scheduled. I have, in case we do not finish these items I have asked for quorum after the IEM meeting which is today ending at about four o'clock. So, we'll see if we can get quorum for that. If not, I've asked for, to reconvene at 9:00 a.m. which was Budget and Finance Committee, which was cancelled. So, I've asked if we could utilize that time. I have bare quorum for both times. The Committee is still on track to meet the County Charter's requirement of receiving Charter ballot questions by August 23rd, after two required Council readings on July 20th and August 3rd. However, we have a lot of discussion ahead of us today and tomorrow and I intend to complete this so that we can meet the County Clerk's requirement for the ballot. I've scheduled County Governance first because I would like to fully vet this proposal and I hope to finish this item today. As we started at prior meetings, I will defer to the Member to introduce the proposals. I think we did that already, Ms. King, and Mr. Guzman is not here. He's not feeling well. So, with that, I would like to start public testimony. Our first testifier is Jim Smith, followed by Marjorie Bonar. And Mr. Smith is testifying on PEA-10(7), PEA-10(2). Good morning, Mr. Smith.

...BEGIN PUBLIC TESTIMONY...

MR. SMITH: Good morning, Madam Chair Sugimura. I would like to also testify on PEA-10, I believe it's 5, which has to do with an Office of Climate Change and Sustainability, and Resilience. Okay. First, PEA-10 [sic], first of all, it seems obvious, there are three ways that a proposed amendment can go to the voter. Okay. One of them, of course, is a petition of 20, and this Council has not received a petition of 20 percent seeking to have a question posed on the Charter. The second is that the Council, okay, can bring forward a question. But that's under a limited circumstance. The Charter Commission when it set that up said that it had to be modest. So, the Charter can bring modest change. And the reason was to provide stability to our Constitution, so it doesn't change every two years. So, they qualified that, and it was expressed last term when there was a change to the Charter presented by the Charter...by the Council. But it basically was very modest. These things have to do with structure and

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by definition they define themselves. So, it should go to a Charter Commission for that because a testifier like myself really appreciates Charter Commissions. It's quite different than testifying here. You get to sit and face the Members, they question you, they are actually almost casual but intense, they're great members of the community, and they teach you about civility. They teach you about wit. They teach you as a testifier. And so, they're valuable, valuable, valuable. So, they should really be the first ones in the line for something of this magnitude when there is no petition, and there is no petition. So, I would ask you simply to file in the Clerk's desk, any of the proposals that you want the Charter Commission to review, and then let it go forward to a Commission. And that's my testimony on two. The next one is this, it's a troubling one. It's PEA-10(7) and attached is a resolution, alright. And in that resolution, the second whereas says, whereas the requirement that the Council approve the Mayor's removal of the Director of Water Supply has proven ineffective, has proven ineffective. Now, there, that to me is something that needs to be examined carefully by this Committee. Are they saying basically you refused oversight? You failed in your duties to oversee when in fact words were twisted and said well this means that, this means there? The Corporation Counsel convinced you. And so, I would say, please just file this one. This doesn't need to go anywhere. It's quite, it's ancient. I was here when they had the struggles in '88 and '90 and Board of Water Supply was changed because there was a problem with a water permit and the Board of Water Supply said no, and the permit person was connected, and it was just a mess. And then it came to this charge change, charge change. Well, we don't need that stuff, I don't believe. The Water Department has a history of in and out and change and that kind of thing and it needs to stabilize I think. There has to be this consent, consent to be governed by the Charter, by words, not feelings. And that's what's kind of been the ideological twist. You have people wanting, wanting, wanting. But then, we have words that mitigate that want, make it equal, make it effective on all, not just one. And that's the beautiful thing about our Charter is that nobody gets everything, and the right thing is most likely to occur with an oversight from the Legislative body and an Executive focused on administration of policy. And that's been abandoned in this zealous entrepreneurial model, for lack of a better word. Imagine a model replaces a body politic. So, please either refer this to the Clerk or file it. And my second testimony, final testimony has to do with this Charter Commission, Office of Climate Change. Sustainability, Resilience. We have a Public Works Department. Okay. They're charged with lots of this stuff. You're gonna put, this is gonna create chaos. And when that happens, when you create chaos in our political system it turns to the discretion of an individual. Okay. Discretion of an individual is a different political system. Okay. It's either a monarchy, it's either a dictatorship, but it's not our political system. So, if you can break a Charter, then you get all the power you want in your administrator. So, I would say, this needs to, this is, this could be given to the Charter Commission. But I really don't think it has the stuff to be cohesive with what exists. And so, I'd say it's not done that well. Finally, this, we have this other thing which was the Department of Land Management. Well, that sets up a huge conflict with the Public Works Department, all kinds of community plans. What is the, how does the community plan boundary fits into this? It may be resolved in time. But I just read for ordinary meaning. And not...and if I can't understand it, then I figure at least 40 percent of the people cannot understand it. And to me, that's

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too many people who can't understand it. So, I'd say be careful with the complexity. Don't add 100 pages because you haven't got the five-word sentence to make it work. Get the five-word sentence. Don't make me do the work. Thank you so much.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Thank you, Mr. Smith. Does anybody have questions for him? Ms. King?

COUNCILMEMBER KING: Chair, and not for Mr. Smith. Thank you for being here, Mr. Smith. But I'm just confused as to why 10(4) is on here because that was voted on at the last meeting and voted down. So, it actually should be removed.

CHAIR SUGIMURA: So, that's, we'll take that up later. Do you have a question for him?

COUNCILMEMBER KING: Well, I just wanted to inform him that we already voted on that and that's not --

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER KING: --that was voted down.

MR. SMITH: Was it voted down?

CHAIR SUGIMURA: It's on my agenda. Thank you.

MR. SMITH: I appreciate that.

CHAIR SUGIMURA: Thank you for your testimony.

COUNCILMEMBER KING: It was voted down the first time, let's put it that way.

MR. SMITH: Thank you for voting it down.

COUNCILMEMBER KING: I don't know why it keeps coming back.

CHAIR SUGIMURA: The next testifier is Marjorie Bonar.

COUNCILMEMBER KING: Votes in this Committee don't mean anything.

MS. BONAR: Good morning, Committee. Thank you for making quorum this morning. Marjorie Bonar, you've heard it all from me before. But the group of concerned citizens that's been struggling with the bill with, this is obviously County Manager, for years has tried to help craft compromises to address the major concerns voiced in the community and in this Chamber. The PEA Committee has had ample opportunity to make further changes but just kind of been kicking this down the field. And recognizing the need, legislated a stop-gap by putting requirements requiring

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qualifications for limited range of directorships. It's time to expand on this limited move and give voters an option for more responsible governance. Career bureaucrats are a mixed blessing. On one hand, they provide continuity and institutional knowledge, but on the other, they may become too entrenched to recognize when changes are in the best interest of those paying the bills. Professional management sets benchmarks and oversight to sort out that dichotomy and facilitate changes whenever needed. If anything, recent juggling of Department positions give strength to the need for professional management. The cronyism and close ties of vested interests and the current system is costing more than dollars. Why bother with public citizens volunteering for community planning, policy reviews, and investigative committees when the findings are shelved? With the current Liquor Board as an example, even though I know it's not under the purview of this Committee. The fear of retribution from testimony is akin to that of people who are afraid to voice concern with the current administrative leadership, or were simply misinformed. Please put this on the ballot, express your opinion as a citizen. But please don't preempt the rights of the electorate.

CHAIR SUGIMURA: Thank you. Anybody have questions for her? Thank you very much, Ms. Bonar. The next testifier is Mark Hyde on 10(2). After that is Rob Weltman.

MR. HYDE: Good morning. At the recent Kula Community Association forum there were two mayoral candidates who expressed concern about--I'm testifying on 10(2)--about the proposal's legality. And I provided you with quotations from the Hawaii Constitution and HRS which unequivocally give local government broad authority to define their structures. Additionally, it's my understanding that the proposal has been vetted by both Council Services and Corporation Counsel. Second, at that forum, one candidate expressed concerns that the Mayor may not have dominance over the Mayor [sic] in the proposal. But I've cited for you in writing, you have that this morning, portions of the proposal that clearly state that the Mayor is superior to and directs the work of the Manager. Third, at the last hearing, a special interest representative from RAM suggested that you should be weary of golden parachutes, which is a pejorative term. And I say, use the County Auditor's contract to test that boogieman. Finally, I would ask you to witness the director churn currently on display in Maui County as the current administration winds down. Consider the cost, the inefficiency, and lack of focus that brings as local government treads water for what amounts to two years as the administration changes. In the last year of an administration, directors have one foot out the door, and some of them have two feet out the door. And in the new administration, directors face a steep learning curve. In fact, the fact of the matter is that the current County management structure doesn't best position us to tackle the multiple future complex challenges a soon to be billion-dollar enterprise brings. Leaving management of County operations in the hands of a Mayor with political skills but little or perhaps no management skills doesn't make sense in today's environment. Maybe 50 years ago, but not today. It's time for a real manager, not a mere aide to the Mayor. I would ask you to remember the testimony of Keith Regan, who's been the aide to the Mayor as a manager for the past seven-plus years. And he said that he could be, could've been more effective if he'd had full authority over the directors. So, I urge you to let the people decide this question. Let it out of this Chamber. After all,

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the people are the ones who pay literally the price for inefficiency and we're starved for better local government. Thank you very much.

CHAIR SUGIMURA: Thank you. Anybody have any questions for Mr. Hyde?

COUNCILMEMBER KING: I have a question.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Thank you for being here, Mr. Hyde. Again, I appreciate your involvement in this issue. Well, we did some research and found out that the County Auditor actually does not have a contract. There's a statement in the Charter that says he has a six-year term. So, he's hired for a six-year term. So, I just wanted to kind of get your thoughts on whether, on the actual need for a contract because we could hire somebody for a six-year term that's decoupled from the term of the Mayor without actually creating a contract which is some of the fears that people have thrown up as a potential cost.

MR. HYDE: The ways that you can hire a manager are probably in the hundreds. You could do it by specifying an explicit term. You can have contracts that are for one year and they're evergreen, they roll over every year whether or not you review it, renew it. There's just multiple ways of doing it.

COUNCILMEMBER KING: Okay. But I just wanted to get your thoughts on whether it was necessary to have a contract because the County Auditor is hired without a contract...

CHAIR SUGIMURA: I think you're asking him about the six-year term, right? He mentioned the six-year term. He didn't talk about a contract.

COUNCILMEMBER KING: Yeah, he did --

MR. HYDE: Well...

COUNCILMEMBER KING: --he said look at the Auditor's contract, and I said, the Auditor actually doesn't have a contract. We contacted him. And so, he's hired for a six-year term but without a contract. So, I just wanted to get your thoughts on that, that's not a sticking point, is it for you?

MR. HYDE: Not at all.

COUNCILMEMBER KING: Okay.

MR. HYDE: But to your point, there's no severance provision in the Auditor's contract.

COUNCILMEMBER KING: Right.

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MR. HYDE: That's the point I wanted to make. So, the boogieman is just that. What relationship ultimately is crafted with the manager is totally within the discretion of the County of Maui.

COUNCILMEMBER KING: Okay. Okay. Thank you.

CHAIR SUGIMURA: Thank you.

MR. HYDE: Thank you.

CHAIR SUGIMURA: Anybody else have any questions for Mr. Hyde? Seeing none, thank you very much for being here. Rob Weltman, Paul, Dr. Paul Kailiponi, and then Dale Bonar is the sixth testifier.

MR. WELTMAN: Aloha mai kakou. . . .*(speaking Hawaiian)*. . . My name is Rob Weltman. Good morning, Chair Sugimura, Councilmembers. I'm talking about item 5, the Office of Climate Change, Sustainability, and Resiliency. I'm speaking for Sierra Club and I'm not going to make the case for why climate change is an urgent and very pressing issue for Maui, you all know that. But I think that based on its urgency and based on the need for concentrating resources on it and focus and not being distracted and diverted by other near-term things, we support the proposal that creates such an office. And we think that the evidence from the one year that the office has existed in Honolulu is very encouraging. They've gotten an awful lot done. They found the right people. They've done research. They've done education. There's a lot of work that needs to be done around what can we do in terms of limiting climate change but also dealing with its consequences, planned retreat and other things. Thank you.

CHAIR SUGIMURA: Thank you. Anybody have any questions for Mr. Weltman? Ms. King?

COUNCILMEMBER KING: Thank you. Thank you for being here, Rob. So, I'm, I was, I'm looking at your written testimony as well. And I support the office, but we have a duplicative office under the Department of Environmental Management that's called Environmental Protection and Sustainability. So, would you, representing the Sierra Club, would you be in favor of merging that with the office that is being proposed under the Mayor, Office of Climate Change, Sustainability, and Resiliency? Because...or do you, are you in favor of having two offices? If so, which one should oversee the other?

MR. WELTMAN: We support a separate office for climate change and we don't believe it's necessary to have two. We think the resources that have currently, that were currently assigned to sustainability can be applied to this climate change council, and that would make it more powerful, more effective.

COUNCILMEMBER KING: Okay. So, you're in favor of moving from DEM into an office under the Mayor and having it focus on climate change and sustainability?

MR. WELTMAN: Yes, we are.

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COUNCILMEMBER KING: Okay. Thank you.

CHAIR SUGIMURA: Thank you very much. Next, we have Dr. Kailiponi on PEA-10(2). After that, Dale Bonar on PEA-10(2) as well as 5 it looks like. Ke`eaumoku Kapu is after, PEA-10(5).

MR. KAILIPONI: Good morning, Chair Sugimura.

CHAIR SUGIMURA: Good morning.

MR. KAILIPONI: Good morning, Councilmembers. My name is Paul Kailiponi. I am the Chair of the Cost of Government Commission. I've been here before. I'd like to apologize to a certain degree for some of the ways in which I've testified in the past couple of times that I've been here, mostly because I think I've been a little bit too negative. I think that something that's important for me as a testifier is to identify commonalities between those who come to testify about these important issues. And I'd like to talk about specifically about the ways in which this debate and the ways in which our Commission agrees with a lot of people that come up here, even those who are in favor of a Council Manager form of government. I think we all care about professional management. I think we all want the best people to lead our government. And when David Mora, who was a government affairs representative from the ICMA came here to testify in December of 2015, he stated that professional managers exist in all forms of government, that it's possible to have professional managers and a strong mayoral form of government just as easily as it is to have it in a Council Manager form of government. I believe that. I believe that having professionals here and having a Council Manager form of government, one that a person who's chosen from the Council is not a necessary condition to have professionals lead our government. I think there's a lot of evidence stating to the professionalism of a lot of our department heads. I'm not going to say that there aren't any problems. I think that there are. But I think that there is signs of professionalism and that that professionalism can exist in either form. I care also about limiting politics in our appointed members. I think that's an important thing. I want our appointed members to be there because they do the best job, and I want them to be assessed by how well they do their job and not by other things. I think that the actions taken by this Council in 2015 to have the Council appoint, or at least have a say in who those people are is moving towards that. It tries to depoliticize that issue and moves towards that using the existing structures that we have. I also care about continuity. I care that, about losses that could occur between appointments. And I think that that's something that is common also across both. I believe that we don't know how a change to a Council Manager form of government would affect that continuity. And I think that our report states how changing to a Council Manager form of government doesn't necessarily lengthen the tenure for either department heads, or at least we don't know. Finally, I think that the irony in all of this is that as a Commission, I really believe, and as an individual, I believe that there exists an appropriate Charter amendment for a change in governance. I believe that it should go through a Charter Commission. I believe that there needs to be that year and a half of careful

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assessment done where we bring in the right people to make that change. And fortunately, we have the ability to do that in the next upcoming couple of years. Thank you.

CHAIR SUGIMURA: Thank you, Dr. Kailiponi. Anybody have questions for him? Seeing none, thank you very much for being here. Ke`eaumoku Kapu follows Mr. Bonar, and then, Uilani Kapu.

MR. BONAR: Good morning, Chair, Councilmembers. I'm testifying first on 10(2). Contrary to what's been said, I think most people would have some concerns with the level of management that's taken place at the department level. And in good part, I think this comes from the problem that people come into the jobs, you get four years. And if your Mayor isn't reelected, you're automatically out, or if the Mayor chooses not to keep you. I think having these positions be widely searched, the best people hired, and them being guaranteed that it can be a long-term job if they're doing a good job, survive their annual reviews, and do that kind of thing. The research that has been done, which I'm kind of surprised the council of economics [sic] there has not carefully looked at some of these data that we've certainly seen, the national data, is that you can get approximately a 10 percent savings in a budget when you're not turning over your staff all the time and having to retrain new people. When a new person comes in, you're losing probably 60 percent of that intellectual knowledge that went along with whatever that department is overseeing. That 10 percent for us currently with our budget, would be \$80 million, a little over \$80 million. And being as that we are probably soon to be a billion-dollar company, having effective professional managers is critical if we're going to survive the many challenges that we're facing. One of the other, 10(5) which is the climate change, I'm very strongly in support of. Climate change has been pretty widely recognized now as one of our major challenges to the world's future. Look at how much of our State is on the coast and will be affected by the increasing levels of sea level rise, the increasing storms that we face. This is going to be a major thing for a management entity to be able to oversee, for the County to deal with that. Given the challenges that we're having of dealing with our other crises now like homelessness, affordable housing, things such as that, we are going to be facing the need to have the most professional types of management that we can. I firmly believe having a professional County Manager which has the freedom to work directly with their department heads to oversee the annual reviews, both of the department heads and the people in those departments, and work to effectively increase the management is critical for our survival. Thank you.

CHAIR SUGIMURA: Thank you. Anybody have any questions for the testifier? Seeing none, thank you very much for being here.

MR. BONAR: Thank you.

CHAIR SUGIMURA: Ke`eaumoku Kapu, testifying on 10(5), and Uilani Kapu, testifying on 10(5). The last testifier in the Chambers right now is Albert Perez after that.

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MR. KAPU: Good morning, County Council. My name is Ke`eaumoku Kapu from Lahaina. I'm here to testify this morning on agenda item PEA-10(5) on the climate change. For the past, I would say, seven years I've worked with, sitting on an advisory body on the West Pacific Fisheries Management Council. I've been to many places throughout the South Pacific, Guam, Samoa, and a lot of places because of the fear of climate change. So, me as well as my wife has, is definitely aware of this basic issue. We don't feel that there should be a separate Office of Climate Change because we already have an environmental management committee that, I think the easier way to sum it out is getting the right people positioned in place. So, when we talked about how we should incorporate the Aha Moku council system as well as boards and committees to get the right people who know the methodology and all those things that go with climate change when you talk about fish ponds and loi kalo, the acidity levels of what creates climate change is very important to our people. That's the missing element, the environmental management committee should allow for being able to have a lot of people with that traditional knowledge to be put in place, so we have a better dialogue on how we need to address these kinds of issues when it comes around the corner. I've been to Washington D.C. to also listen to the issue about climate change many times too as well under that same advisory. So, I'm here basically to say that we already have established good policies within the Environmental Management. I don't feel that this Department should be separate from this body here and that the recommendations should be more complacent to where the community has an opportunity to address those type of concerns too, as well. So, yeah, and how a lot of those things are being incorporated too within the other different committees, the Planning Commission, the Cultural Resources Commission. You know, we have a wide array of opportunities to address these kinds of issues. So, mahalo, thank you.

CHAIR SUGIMURA: Mr. Kapu, one moment, so, you're actually then speaking against establishing the Office of Climate Change and Sustainability. Is that right?

MR. KAPU: Yes.

CHAIR SUGIMURA: You're saying it's being done through the State Department of Land and Natural Resources or other means, is that what you're saying?

MR. KAPU: Yes, I am. I think the body should basically, I mean, if you separating this, then where is the complacency? Where do we address our concerns? In the Environmental Management I think there's better opportunities when it's under this body instead of a separate body, especially under the Mayor. So, yeah, that's the reasons why I'm against this.

CHAIR SUGIMURA: Okay.

MR. KAPU: Okay.

CHAIR SUGIMURA: Thank you for the clarification.

MR. KAPU: Mahalo.

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CHAIR SUGIMURA: Anybody else have any questions for him?

COUNCILMEMBER KING: Yeah, I have a question.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Thank you for being here. I really appreciate it, hearing from you folks. The, where this sits right now in the office of, the Department of Environmental Management, it's called the Environmental Protection and Sustainability. I think that's what you were referring to, that, the --

MR. KAPU: Yes.

COUNCILMEMBER KING: --it's a division right now. And right now, there's no plan written that includes any of the things that you just mentioned. So, the only things that are in the description of that program have to do with recycling and removing of abandoned vehicles. So, my question to you is, would you support merging that office and creating the Office of Climate Change, Sustainability, and Resiliency, and then including those items that you're talking about? Because right now, there is no plan that includes conservation, agriculture, anything to do with any of the fish ponds or actual sustainability issues, environmental issues that you just spoke about. So, you know, my thought is that we can merge the two. There's already millions of dollars in the Department of Environmental Management Division. But, you know, my opinion it's not doing the things that this Office of Climate Change and Sustainability would do. So, would you support like merging those two into an actual effective office that would include those things that you just said?

MR. KAPU: Yes, well, if you're saying that the Environmental Management, that Department basically doesn't have any, I mean, where has it been for the past X amount of years?

COUNCILMEMBER KING: Yeah, no, I totally agree with you.

MR. KAPU: Where has that been?

COUNCILMEMBER KING: I asked that same question so, you know.

MR. KAPU: So, if we reinventing some kind of wheel over here by creating another department then, we need to see more of what's going to happen in place. I mean, I no like put the cart before the horse. And I want to make sure that if we have any concerns that we need to address because we've been working on this for like seven, eight years, me and my wife, entirely, totally by ourselves. But, you know, like I said, I sat on the West Pac Fisheries which is a Federal agency. And I've seen from the top down on how everything basically has been construed. And for us to sit in that Federal agency to make sure that we Native Hawaiians have a say when it comes to climate change on a lot of things that have affected our environment, I mean, yeah sure, but where do we fit in that? When it was presented to say that we gotta get a lot

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of Native Hawaiians into boards and commissions and getting Native Hawaiians to be proactive and trying to find some way of collaboration within the government, these kinds of things is, it hits the top for us because we've seen the degradation that's been happening. And if there's nothing in front of us saying that these things are gonna happen, then I have to be optimistic.

COUNCILMEMBER KING: Okay. Thank you.

MR. KAPU: But yeah, sure.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Thank you very much. Anybody else?

MR. KAPU: Always hope.

COUNCILMEMBER KING: Yeah, I think we're all looking for effectiveness. Thank you.

MR. KAPU: Thank you.

CHAIR SUGIMURA: Anybody else have any questions for Mr. Kapu? Thank you very much. Next is Uilani Kapu on the same issue, 10(5).

MS. KAPU: Aloha mai kakou, Uilani Kapu. The purpose and reason why we're here is because I don't think we need a separate office. We all know what climate change is. We, my nephews went to the Paris Climate Change. They were involved in all of that. They brought it home and it's good that Maui has set that date to follow. And now we're coming to this. We don't have enough money to make a separate office, to fund more people, to do all of that. Yeah, we're going to give jobs, but we're all in that mindset of what climate change is. We all know what to do. We all know our kuleana. But now, to put it into policy is another question. Alright, policies are all out there about what climate change is, how to establish it, how to come to it. Maui has set that goal. Maui has already done all of that by putting the date to it. I met Josh, he's a nice man, he's been working in this, in Oahu for a long time, yes. But like I said, we don't need another office. But we do need to make sure that it's not just at a science level because we're Hawaiians, because this is Hawaii our climate change is different. We're surrounded by water, we live off the land, our temperatures are different, everything is different. So, our mindset has to be also to evolve around our past, our kupuna, our culture. That needs to be added within our climate change, so everybody doesn't go, oh my God, we gotta get off of all this stuff. No, we gradually have to make sure that our environment around us, our lands around us is taken care in a proper managed way to help the environment that is screaming and crying for it. So, we already have set as a County what we want. We don't need any other person to come in and say, but we need to put this person here because they came from Harvard. No, we know what we need. We know what we want. We just have to establish that within our own government that we have put in place already. And I agree with Ms. King. You know, we do have an Environmental Office that needs to be putting all

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these policies in, so they can move forward in making that change for our County. So, mahalo.

CHAIR SUGIMURA: Thank you. Any other questions for Ms. Kapu? Seeing none, thank you very much. Next testifier is Albert Perez on PEA-10(5) and followed by Lawrence Carnicelli on PEA-10(2).

MR. PEREZ: Good morning, Chair --

CHAIR SUGIMURA: Good morning.

MR. PEREZ: --Councilmembers. I had to go back and look at the agenda because I'm not testifying on 10(5), I'm testifying on 10(2). Maybe I put the wrong number in. So, very briefly I've got some experience in the current system. I worked for the Planning Department and also the Water Department and in my experience, in the first year regardless of their level of expertise, the directors are still learning the internal structure of their department. They may have no institutional knowledge, and they must rely on the institutional knowledge of their civil service employees. So, that's one disadvantage of the current system. Directors also, if they're not sure if their Mayor is going to get reelected, or if they're in the second term, they are going to be looking for work in the last 6 to 12 months and the institutional knowledge that they have developed is going to be lost. Unless they're independently wealthy, their attention cannot be fully on their director job. Thirdly, directors who try to make change within a department sometimes face resistance and foot dragging. Civil service employees know that the directors and deputy directors will be gone after a few years and they had been known to just tell a director I understand that you want to make this change, but no. That has happened. So, anyway, I urge you to recommend approval of the proposed resolution on the first reading and let the voters decide. Thank you.

CHAIR SUGIMURA: Thank you. Anybody else have any questions for Mr. Perez?

COUNCILMEMBER KING: Chair, just clarification. Thanks for being here, Mr. Perez. So, you worked in the Planning Department and Department of Water Supply for the County of Maui?

MR. PEREZ: Correct.

COUNCILMEMBER KING: Oh, okay. I didn't know that. Thank you. Thanks for sharing your experience.

MR. PEREZ: Thank you.

CHAIR SUGIMURA: Thank you. The last testifier in the Chamber is Mr. Carnicelli, on PEA-10(2).

MR. CARNICELLI: Wow, rarely do I have to move the mic down when I come up here. Good morning, Chair, Members. Lawrence Carnicelli for the REALTORS® Association of

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Maui. And it's interesting...anyways, I'm going to just go to what is, what are the five of you supposed to decide today, right? You guys have a choice before you, like what is it that you're really choosing? There's a lot of great arguments on both sides of this debate, for or against County Manager, strong Mayor system. Both have their pluses, both have their minuses. But what's before you today is the 42-page bill, or resolution before you ready to go to the voters. Is this been vetted? Is this, that's what you're tasked with today is to decide whether or not this should be on the ballot, to then take effect in 2021. As Dr. Kailiponi said it, said, you know, we could do a Charter Commission that would be a year and a half to really truly vet this, to put this through the community. The last version of this came less than 30 days ago, somewhere around 30 days ago and we're making a decision on it now. As Dr. Kailiponi said, there's a lot of things that we all agree on and it's just a matter of kind of like how to get there. So, is this before you today how we're supposed to get there? You know, there's things like STRH permits take public hearings, that's just for an STRH permit. You know, we go out into the community, oftentimes there's many of you oftentimes say when there's something before you, you know, this is important enough that we need to take it out into the community. And so, that's what I'm just basically bring as far as like what is tasked with you today it's not whether or not the people should be allowed to choose their form of government. It's now whether or not this particular resolution should be on the ballot, this one. That's what you're tasked with today. So, I just wanted to kind of boil it down to where the rubber meets the road. So, thank you, Chair.

CHAIR SUGIMURA: Thank you. Anybody have any questions for Mr. Carnicelli? Seeing none, thank you. At this time, I would like to go to our District Offices. Hana District Office, Dawn Lono, do you have any testifiers? Dawn?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR SUGIMURA: Thank you, Dawn. Lanai District Office, Denise Fernandez?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR SUGIMURA: Thank you. Molokai District Office, Ella Alcon, do you have any testifiers?

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

CHAIR SUGIMURA: Thank you. Anybody else from the Chambers would like to testify? Seeing none, at this time, Members, I would like to close public testimony.

COUNCILMEMBERS: No objections.

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CHAIR SUGIMURA: Thank you. I'm going to close public testimony. District Offices, thank you for being here.

. . . END OF PUBLIC TESTIMONY. . .

PEA-10(2): PROPOSED CHARTER AMENDMENTS (COUNTY GOVERNANCE) (CC 17-11 and CC 17-222)

CHAIR SUGIMURA: I'm going to convene this meeting and talk about PEA-10(2) Proposed Charter Amendment for County Governance. The resolution's entitled, Proposing an Amendment to the Revised Charter of the County of Maui (1983), as Amended, to Reorganize the Executive Branch to Establish an Office of the Managing Director, and Provide for the Appointment of the Managing Director, and Define Duties and Responsibilities. So, the purpose of the resolution is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui, as amended, shall be amended, effective January 1, 2021, to reorganize the executive branch for the County of Maui to establish an Office of the Managing Director, wherein a Managing Director, hired by the Council through a recruitment and selection process involving the Mayor, Council Chair, and a three-member citizen group, shall function as the County's chief operating officer responsible to County's daily operations, the appointment and removal of most department directors, and the implementation of County policy. The Mayor shall be the County's chief executive officer responsible for supervising the Managing Director's work, representing the County in intergovernmental affairs, having the authority to approve or veto bills, nominating boards and commission members, enforcing provisions of the Charter, County ordinances, and all applicable laws and authorizing various housekeeping revisions. Today, the Committee will consider whether to recommend passage of the proposed resolution on first reading with or without revisions. Members, on June 5th and 6th we started talking about this proposal and Councilmember King gave her summary and we did have some proposals made by Councilmember King and Mr. Guzman. The revisions of the bill we are working from today incorporated these changes. And those changes were, the revised proposal was distributed at the June 19th meeting. On June 20th, we tried to reconvene our meeting and we lost quorum. So, there was no further discussions on this item and it was deferred. And in order to properly vet this proposal within the timeframe we have, which is August 23rd is when the ballot question has to hit the County Clerk's Office, my intention today is to go through the entire proposal section by section so that we as a Committee and/or the general public understands what's in this 41-page legislation. And for that reason, I'm not going to take up amendments until after we go through the proposal. If we need to, we may lose quorum. Members, let me know if we need to take a break. And all of you have copies of the proposal which was distributed. It's also in Granicus. Today we have Doctor, not Dr. Underwood, Mr. Underwood from Department of Personnel Services, and again, Managing Director Regan is available to answer questions if we have any for him. And at this time, I would really like to go through the proposal. So, Members, if you could take out the proposal that was

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distributed, it says June 19th on Granicus. It is submitted to you from me, which incorporates the changes that were proposed at the June 5th meeting. So...

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Yeah, we didn't actually get to all, voting on all the amendments. We only voted on one of them. So, I'm not sure which one, you just put the other ones in anyway?

CHAIR SUGIMURA: Okay. You want me to explain that? So, what happened at the last meeting was if you remember, Mr. Guzman asked us to defer the 10(7), which is delete the reappointment of Council approval to remove the Director of Water Supply. So, that was deferred at his request because of bare quorum. The Office of Climate Change, Sustainability, and Resiliency, which is 10(5), was also deferred. And the one that you were questioning earlier which is 10(4), Department of Land Management, we did not have enough votes. It was four to one. We had one dissenting vote. And that was never filed --

COUNCILMEMBER KING: I'm sorry we had two.

CHAIR SUGIMURA: --so therefore, this was deferred. And I put it on the agenda for the Committee to look at it.

COUNCILMEMBER KING: Oh, I'm not...

CHAIR SUGIMURA: It may be in the...

COUNCILMEMBER KING: Wait, I have a point of order question with that. So, that was voted down, it was four "ayes," two "noes" that Department of Land Management that was voted down.

CHAIR SUGIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER KING: So, I'm not sure why...so, if we vote something down, that can come back up on the next meeting?

CHAIR SUGIMURA: So, Mr. Kushi might want to explain that. The item was not filed.

COUNCILMEMBER KING: I understand that. But there was a vote taken.

CHAIR SUGIMURA: Yes, and in this meeting...

COUNCILMEMBER KING: Does that, the votes in this Committee mean anything? Because we were moving on to the next item. You made the statement that that one is, did not pass. So, it is dead. And now it's coming back. I mean, things keep coming back in

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this Committee that get voted down and I don't understand, I mean, this is, to me it's a violation of Robert's Rules. Maybe Mr. Kushi can...

CHAIR SUGIMURA: Mr. Kushi?

MR. KUSHI: Yes, Madam Chair. Unfortunately, I was not there at the meeting. But as I understand it, there was a motion made, and a vote taken, and the motion failed because you need five. Further, I understand that there was no motion --

CHAIR SUGIMURA: To file.

MR. KUSHI: --corresponding motion to file. And I think a Member asked that the item be deferred. So, I think at the Chair's discretion the Chair deferred it. And that being the case, I don't see a problem with it. Now, it's back on deck and I think this Committee should either approve it, or file it, or if in either event both motions are failed, then discharge it, submit it to the full Council --

COUNCILMEMBER KING: Right, but --

MR. KUSHI: --with no recommendation.

COUNCILMEMBER KING: --Mr. Kushi, there was no motion to defer. There was a motion to reconsider the Office of Climate Change, Sustainability. There was no motion on the Department of Land Management to defer that.

MR. KUSHI: I don't know. Like I said, I'm not, I wasn't there.

COUNCILMEMBER KING: Okay. Well, I was there. So, I'm telling you there were six people in this Chambers, two voted against it, four voted for it --

MR. KUSHI: Well...

COUNCILMEMBER KING: --and there was no motion to defer.

MR. KUSHI: Madam Chair, if I may?

CHAIR SUGIMURA: Yes, yes.

MR. KUSHI: Parliamentary rules, our office previously has made statements and were rebuked. So, in terms of parliamentary procedures we defer to the County Clerk or the Council Services.

CHAIR SUGIMURA: Thank you. At this time, I'm going to proceed on with 10(2) County, the County Governance which was what we were talking about and, Shelly, so, if there's a question regarding this could we check with County Clerk to give us...we did check with County Clerk on this before we scheduled this meeting. So, we'll ask them just to kind of ease your questions. But at this time, I really would like to proceed with the

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County Governance 41-page document to go through this so that the public has a better understanding of what is contained in this document.

COUNCILMEMBER KING: Okay. So, Chair, can you tell us which document you're going to be looking at? Because, and then, also you didn't answer my question about which amendments went in. You know, we, I proposed three amendments. Only one of them was voted on. And did you just automatically put the other two in there?

CHAIR SUGIMURA: No.

COUNCILMEMBER KING: Okay. So, you're saying but we can't...

CHAIR SUGIMURA: So, at this time, can you look at, on Granicus the June 19th document which is submitted by the Committee Chair? That document then has highlighted the changes that were voted on at that meeting. And if you go through the first section, so, the powers of the Council, BE IT RESOLVED by the Council of the County of Maui: number 1...pursuant to Charter Section 14-1, it hereby proposes a Charter Sections [sic] 3-6 pertaining to the Powers of the Council. In this section, you will see that the item number 8 was deleted based upon that June 5th meeting, which was what was voted on. So, that was eliminated and moved to Page 9, which is a second item, the second section which is an item regarding the Mayor. So, that was the change that was made.

COUNCILMEMBER KING: Okay. Chair, no, Chair, I do remember proposing that. But I don't remember voting on that. So, if we can take a vote now that would be great. I mean, that was a proposal.

CHAIR SUGIMURA: So, I believe we took a vote on it. So, Ms. Espeleta, do we have results of that or do we need to go research that?

COUNCILMEMBER KING: Did we vote on that amendment?

MS. ESPELETA: Chair, I believe the amendment that was passed out were changes that were voted on at the last meeting on June 5th and 6th.

COUNCILMEMBER KING: Okay. You have a record of voting on my amendment number one? Because I don't remember, I just remember voting on amendment, my proposed amendment number three. And I remembered these other ones being deferred.

MS. ESPELETA: I can research and do the votes taken.

COUNCILMEMBER KING: Okay. I mean, I'm good with the amendment. I just don't, I remember Mr. Guzman wanting to rewrite something.

MS. ESPELETA: Those were amendments made by yourself as well as Member Guzman.

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CHAIR SUGIMURA: I believe Mr. Guzman wanted to do something regarding the selection process and judicial system. So, I think that was discussed. Unfortunately, he's not here to --

COUNCILMEMBER KING: Right.

CHAIR SUGIMURA: --clarify that, but. Okay. So...

COUNCILMEMBER KING: So, this one that you're, you've got in here that you've highlighted, you've taken that out exactly like that and moved it over to --

CHAIR SUGIMURA: Page 9.

COUNCILMEMBER KING: --Section 7-5.

CHAIR SUGIMURA: Look on Page 9 of my document.

COUNCILMEMBER KING: Right.

COUNCILMEMBER COCHRAN: Chair?

CHAIR SUGIMURA: Ms. Cochran?

COUNCILMEMBER COCHRAN: I'm just trying to, I'm cross referencing what I actually have printed on my desk. The top page is April 30th, is this the same thing that's in this Granicus June 18th version? It isn't, right?

CHAIR SUGIMURA: I'm sorry, what do you have on your desk?

COUNCILMEMBER COCHRAN: I have a printed-out document, the 41 pages, April 30th, it says it's from Ms. King. So, I'm trying to cross reference what we're working off in Granicus on the June 18th is this one?

CHAIR SUGIMURA: So, do you see --

COUNCILMEMBER COCHRAN: Or not?

CHAIR SUGIMURA: --at the very bottom of that received at PEA meeting 6/19/18?

COUNCILMEMBER COCHRAN: Not on my printed copy, no.

CHAIR SUGIMURA: Shelly, can you check to see what she has. . . *(short pause)*. . . I'm gonna take a brief recess. . . *(gavel)*. . .

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RECESS: 10:01 a.m.

RECONVENE: 10:53 a.m.

CHAIR SUGIMURA: . . .*(gavel)*. . . Okay. The Policy, Economic Development, and Agriculture Committee is now called back to order. We were in the middle of trying to begin discussion on the Charter amendment of County Governance PEA-10(2) and we took this break, I guess, or recess to talk about questions regarding PEA-10(4) Department of Land Management. I would like to bring us back to the agenda. We have such precious time and hardly any time to give towards this because we have deadlines that we need to meet, as I discussed when I opened this meeting, and I will stick to those deadlines. This afternoon, we tried to see if we could get a continuation of this meeting but there's no quorum. And we did ask for quorum for tomorrow at nine o'clock with Budget and Finance slot that was cancelled. So, I hope that we can fulfill that and continue this discussion. So, at this time, I would like to get back to where we were which is to discuss County Governance and work from the Committee on PEA 6/19/18, which is the document we're working from. So, does everybody have that now? I think that was one of the questions that we needed to...yeah, you got it Elle? Okay, good. So, this is the proposal based upon the June 5th amendments that were made and discussed that were integrated into this document. So, this is what we're working from. Members, are you ready? Ms. King?

COUNCILMEMBER KING: Yeah, I have, I just gave Shelly the list of amendments from that day but there was one additional one.

MS. ESPELETA: Chair, Member King, can we hold on to that now, I mean, for now until we go through the proposal? And then when we discuss the amendments...

COUNCILMEMBER KING: Okay. But yeah, just, did we ascertain which ones that, which amendments, the amendments that I originally proposed, which ones were actually voted on? Or are they all three of them in here?

CHAIR SUGIMURA: Ms. Espeleta?

MS. ESPELETA: All, I believe all three are in there.

COUNCILMEMBER KING: Okay. Well, I'm good with that. I just didn't, I don't remember voting on all three of them, so.

CHAIR SUGIMURA: Okay. So, I'm going to have no more amendments until we go through this June 19, '18 proposal. So, at this time, I think we started talking about section 1, which is regarding the powers of the Council. And as you can see in this document on Page 2, number 8 was deleted based upon the proposals that were submitted, or the amendments that were submitted by Ms. King and Mr. Guzman. So, that has made changes in this document. Number 8 has moved to Page 9, which is now under the Mayor. So, that change was done. Any comments, any questions, Members?

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COUNCILMEMBER KING: Just if we're --

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: --doing this for the public, just if we could reiterate that the amendment was to eliminate number 8 which says, I mean from Section 3-6, Powers of the Council, number 8 reads, to hire the Managing Director through a recruitment and selection process defined by ordinance involving the Mayor, Council Chair, and a three-member citizen group. And to move that to page 9, under Section 7-5, Powers, Duties, and Functions of the Mayor, so.

CHAIR SUGIMURA: Correct.

COUNCILMEMBER KING: Yeah.

CHAIR SUGIMURA: So, Members, anybody have any questions regarding the first section? I want to go through this section by section. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I do have amendments on the selection portion of it, so...

CHAIR SUGIMURA: So, sorry, Mr. Guzman. So, I wanted to go through the whole proposal first --

COUNCILMEMBER GUZMAN: Oh, okay.

CHAIR SUGIMURA: --and then do amendments and --

COUNCILMEMBER GUZMAN: Oh, okay.

CHAIR SUGIMURA: --I'll tell you the reason is that, as we're out there in the Committee, or talking to people, people don't understand what this proposal is about.

COUNCILMEMBER GUZMAN: Okay.

CHAIR SUGIMURA: And we have yet been able to vet through the whole thing. So, I want to do that and then we'll go through amendments.

COUNCILMEMBER GUZMAN: Okay, okay.

CHAIR SUGIMURA: Yeah, and I'm going to use the June 19th...

COUNCILMEMBER GUZMAN: June 19th?

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER GUZMAN: Okay.

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CHAIR SUGIMURA: On Granicus. Just because --

COUNCILMEMBER GUZMAN: Okay.

CHAIR SUGIMURA: --it incorporated the discussion that we had on June 5th.

COUNCILMEMBER GUZMAN: Okay. Okay.

CHAIR SUGIMURA: So, here we go.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR SUGIMURA: So, the second item is regarding the, pursuant to Chapter 14-1 [sic], it hereby proposes Charter Section 3-8, pertaining to the restrictions on Council and Council Members, as [sic] amended by amending Section 1 to read as follows, so, section, this is number 1, unless otherwise provided in this Charter, neither the Council nor any of its Members shall in any manner dictate the appointment or removal of any officers or employees appointed by the Mayor, and added Managing Director, or by their subordinates.

COUNCILMEMBER KING: I'm sorry, what page are you on? I don't...

CHAIR SUGIMURA: Page 2 of the proposal. And it's Section 2.

COUNCILMEMBER KING: Okay. So, the change, I mean, that's already in there. The change is just to change by the Mayor, to the Managing Director, or by their subordinates.

CHAIR SUGIMURA: Correct.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Correct.

COUNCILMEMBER KING: So, we're not...

CHAIR SUGIMURA: So, anybody, any Members have any questions on that?

COUNCILMEMBER KING: But I think also, Chair, you skipped over the number 5, which changes the word "Mayor" to Managing Director.

CHAIR SUGIMURA: On the Powers of the Council?

COUNCILMEMBER KING: On Page 2 up at the top.

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CHAIR SUGIMURA: Correct. So, on...above it is to add in the Managing Director on item number 5 when we're talking about the 3-6, Powers of the Council. It's adding in on item number 5, to require periodic and special reports from all County departments concerning their functions and operations. Such reports shall be requested and submitted by and through, eliminating the Mayor and adding in Managing Director. Anybody have any comments regarding that? Seeing none, we already discussed item number 8 to be deleted from that section and we're on again going back to Section 2, which I just talked about. We're adding, deleting the Mayor and adding in the Managing Director or by there, being added in. Any, no other questions on that? Going to number 3, pursuant to Chapter 14-1(1), it hereby proposes Charter Section 3-9.2 pertaining to Powers, Duties, and Functions be amended to read as follows. And this basically talks about the County Auditor. So, in your Charter it's on Page 10 and 11, Section 3-9.2 Powers, Duties, and Functions. If you go through this, what was added in item number 2, or paragraph number 2 is Audit Findings and Recommendations, a copy shall be given from the Auditor to the Mayor, adding in the Managing Director and the Council which shall be public record as, except as provided. Anybody have any questions on that?

COUNCILMEMBER KING: No, I think you skipped over one though, Chair.

CHAIR SUGIMURA: Oh, I'm sorry, is C?

COUNCILMEMBER KING: One-C also has the Managing Director added in.

CHAIR SUGIMURA: Oh, we added Managing Director there. Anybody have any questions on that? So, transmit a copy. Yes?

VICE-CHAIR CRIVELLO: So, we're going through all the proposed amendments and then at that point we're going to be allowed to have further discussion?

CHAIR SUGIMURA: Well, I'm trying to take up the proposal section by section looking at the changes and seeing if anybody has any questions, and then we're taking amendments last. So, if you have questions...

VICE-CHAIR CRIVELLO: No, yeah, I'm not talking about amendments. If we want to come back --

CHAIR SUGIMURA: Yeah.

VICE-CHAIR CRIVELLO: --are, for further discussion --

CHAIR SUGIMURA: We can come back, right.

VICE-CHAIR CRIVELLO: --as we're going through the...okay. Thank you.

CHAIR SUGIMURA: For any changes, yeah. Mr. Atay, you have a question?

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COUNCILMEMBER ATAY: No question.

CHAIR SUGIMURA: Okay. Also, in number 4, the County Auditor shall submit its budget to the County Council and its budget shall include the cost of government, government's deleted and underscored is government commission's, so it's cost of government commission's budget, subject to Article 9, Section 9-21.

COUNCILMEMBER KING: I think that's just housekeeping.

CHAIR SUGIMURA: Does anybody have any questions on that? Seeing none, the next item, Section 4 pursuant to Charter Section 14-1 [sic], it hereby proposes Charter Sections 3-9.3, pertaining to cost of government commission, be amended to read as follows, and this is Section 3-9.3. And here also in item number 3 of this if you turn to Page 4 it says submit an annual report to the findings and recommendations to the Mayor, adding in Managing Director, Council, and County Auditor. So, the change is to add in Managing Director to the list of who gets the findings and annual report. Anyone have any questions on that? Seeing none, Section 5 on Page 4, pursuant to Charter Section 14-1(1) it hereby proposes Charter Sections 3-4.4 [sic] be repealed. So, it's deleting this entire section. Anybody have a question about this? It's taking out this whole definition section and what it's actually doing is it's on Page 40 of this document it's adding it to those, that section in terms of where the definitions are now going to be placed verbatim. So, that is where this is being deleted and added.

COUNCILMEMBER KING: That was...

CHAIR SUGIMURA: Anybody have a question on that?

COUNCILMEMBER KING: No, just that that was a Corp. Counsel correction, I believe.

CHAIR SUGIMURA: Okay. All of you are fine with that? Okay. Page 5, this is Section 6, pursuant to Charter Section 14-1(1), it hereby proposes Charter Article 6 to be amended to read as follows, Article 6 is about the Executive Branch and here it's talking about the powers and it headed by the Mayor except as otherwise provided by this Charter. And changes are made in number 3, paragraph 3 is totally removed, no not totally removed, totally, it's changed so that any administrative head may be removed or provided for in this Charter. Do you see that? This is kind of a change that...any discussion on it?

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Yes, Ms. King?

COUNCILMEMBER KING: So, it's taking out the first sentence which says, which talks about the term of office of any administrative head being, ending with the term of the Mayor. So, that, it's taking that out first before that sentence that you got to.

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CHAIR SUGIMURA: And it continues, and so, any administrative head may be removed as provided by this Charter. Such officers is being removed, shall not hold over more than 60 days after their respective term of office and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this Charter. wherever, whichever occurs first. So, that has been removed in this paragraph. Item number, paragraph number 4, which is Page 15 in your Charter, it eliminates the Mayor. The Managing Director shall have the authority to appoint on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the, and Mayor is eliminated, and Managing Director is added. So, administrative heads, according to this, are being appointed by the authority of the Managing Director. Any questions?

VICE-CHAIR CRIVELLO: Chair?

CHAIR SUGIMURA: Yes?

VICE-CHAIR CRIVELLO: So, the administrative heads are defined as...

CHAIR SUGIMURA: Department heads.

COUNCILMEMBER KING: Of any department, so that's...

CHAIR SUGIMURA: Mr. Kushi, department heads, right? Administrative heads are department heads?

MR. KUSHI: Correct.

CHAIR SUGIMURA: So, you see the intent of paragraph 4, which the Managing Director shall have the authority to appoint on a temporary basis an administrative head of any department, provided that such department is one where the administrative head is appointed by the Managing Director. And as you know, this was previously what the Mayor did. So, it's eliminating the Mayor and putting in the Managing Director. Any questions?

COUNCILMEMBER KING: Well, just pointing out that we did clarify that the Managing Director will confer with the Mayor prior to selection of director. So, that's in another section.

CHAIR SUGIMURA: Could you repeat that again, sorry?

COUNCILMEMBER KING: Well, one of the amendments that we did vote on the other, last meeting was to clarify that the Managing Director will confer with the Mayor prior to selection of directors to be hired by the Managing Director. So, we added the words "in consultation with the Mayor," in consultation and I believe, and final approval of, that was Mr. Guzman's language, to all sections giving the Managing Director power to hire specified officers and directors. And that was including the

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one...two...three...four...five...six...the eight departments were included in that amendment.

CHAIR SUGIMURA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: So, I take it that, actually I'm unclear whether or not that was passed on the previous meeting, whether those amendments were passed. So --

COUNCILMEMBER KING: That one was.

COUNCILMEMBER GUZMAN: --they're not incorporated in this draft.

CHAIR SUGIMURA: Actually, we incorporated it into this draft.

COUNCILMEMBER GUZMAN: Okay.

CHAIR SUGIMURA: So, if you go further down in the pages where it actually talks about each department, you'll see that we incorporated that change. So, we can talk about it, you'll see it come up when we get to those sections. Next, is paragraph 5, within 60 days of taking office, pursuant to Sections 6-3 of this Charter, within 60 days after vacancy is created, the Managing Director shall appoint the, and it eliminates from here because it used to say Mayor, it eliminates Managing Director, Corp. Counsel, Prosecuting Attorney. But it does leave in, which is in our current Charter, that the Managing Director will now appoint the Director of Finance, Director of Public Works, Director of Parks and Recreation, Planning Director, Director of Housing and Human Concerns, Director of Water Supply, Director of Transportation, and the Director of Environmental Management with written notice to the Council. The Council shall confirm or deny the appointment within 60 days after receiving notice of the appointment from the Managing Director, and again, the Mayor is eliminated. If the Council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The appointee shall take office upon appointment by the Managing Director, eliminating the Mayor again, but shall not continue to be in office if the Council denies the appointment. If the appointment is denied by the Council, the Mayor eliminated, with the Managing Director shall make a new, or underscore, different appointment within 60 days of the Council's denial. And the Council shall confirm or deny within 60 days after receiving notice of the new, or underscore, different appointment by the Managing Director. Again, the Mayor is being eliminated. If the Council does not act within the 60-day period, the appointment shall be deemed to be confirmed, underscored, adding new to this paragraph is, except for the Director of Water Supply, all directors appointed pursuant to this section may be removed by the Managing Director with notice to, but not approval, of the Council.

COUNCILMEMBER KING: So, Chair...

CHAIR SUGIMURA: Here, it gives the Managing Director the authorization to appoint all these people, notify the Council, the Council has 60 days to confirm, and if not, then a

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different, or I guess is being stressed but new or different name is then submitted to the Council.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Yes, Ms. King?

COUNCILMEMBER KING: So, when we approved this amendment 3 on my sheet, it, the purpose of it was to clarify that Managing Director will confer with the Mayor prior to selection of directors. And the language in here that we approved said, add the words "in consultation with and with final approval of the Mayor" to all sections, giving the Managing Director power to hire specified officers and directors. So, that should be in this, that should be added to this section, all sections that refer to the appointment power of the Managing Director should have this phrase in it. That was what we agreed to. So, that's one thing that's left out of this version.

CHAIR SUGIMURA: Okay. It is in, if you take up 9 of, Section 9, it does talk about all the County departments and that's been incorporated in this. But for clarification, Mr. Kushi, do you think we should add that in into this section? So, we're now talking about number 4 of 6-2. Look at paragraph 4.

MR. KUSHI: Madam Chair, is that on Page 5?

CHAIR SUGIMURA: Yes, Page 5, sorry, Page 5. So, you look almost to the bottom of that, which is item, paragraph number 4, under 6-2 Appointment and Removal of Officers and Employees. So, I guess the question that Ms. King has, is should that terminology be also added here. We added it in all the departments, the Managing Director shall confer with the Mayor prior to selection of directors to be hired by the Managing Director. So, the words, "in consultation with the Mayor," was included in the department. Should we add it here also?

COUNCILMEMBER KING: Chair?

MR. KUSHI: Madam Chair, I guess you could. But the language you referred to is found on each appointment for each of the departments.

CHAIR SUGIMURA: Right.

MR. KUSHI: Example, look at Page 17, Department of Public Works, it says the Director of Public Works shall be appointed by the Managing Director, in consultation with, and approval by, the Mayor, and approval by the Council, and may be removed by the Managing Director. So, you could put that language, that type of language in Section 6-2.4 at Page 5 but it's repetitive...

COUNCILMEMBER KING: Chair, Chair, can I just...

CHAIR SUGIMURA: Wait, can I let Mr. Kushi finish?

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COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Mr. Kushi, please finish.

MR. KUSHI: Yeah, I mean, Madam Chair, you could, but again, you're going to repeat yourself in each of these director appointments and...

CHAIR SUGIMURA: So, you're saying it's not necessary?

MR. KUSHI: Right.

CHAIR SUGIMURA: Okay. Ms. King?

COUNCILMEMBER KING: Okay. So, you know, my suggestion would be to put it in number 5 because that really refers to the appointments of these, all these departments. Number 4 just talks about temporary appointments. So, I don't think if someone's appointing, if a Managing Director's appointing a temporary administrative head because there's a vacancy, I don't think you want to have to go through that whole thing with the Mayor and the Council. But number 5 is where they talk about within 60 days of taking office, the Managing Director shall appoint the, and then it goes into all the different departments. So, I think that's where we need that language, that shall appoint in consultation with and with final approval of the Mayor. And then it goes into the departments. So, I think if we can agree that, you know, that, we don't want to hold up a temporary appointment, but the permanent one should be in consultation with the Mayor, if everybody can agree on that.

CHAIR SUGIMURA: Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, I agree with Ms. King. But also, in furtherance of, Section 6-4, when my colleague is talking about temporary, I'm not quite following what she's saying. 'Cause 6-4 is specific qualifications for administrative heads of department. So, this language here in 6-4, it appears that in addition to the qualifications, specific qualifications for the administrative heads appointed by the Managing Director. And then I believe the additional language of consulting with the Mayor and approved by the Mayor should be also placed in that section 'cause I don't see that the temporary-type language in 6-4.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: It does...

COUNCILMEMBER GUZMAN: So, I don't know where...

CHAIR SUGIMURA: So, Members...

COUNCILMEMBER KING: Yes, it's appointed on a temporary basis.

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CHAIR SUGIMURA: Members, I'm going to go through --

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

CHAIR SUGIMURA: --this document and we can add the amendments as we go along. So, let's finish this, okay? So, as a note, Staff, what I'm hearing from King and Guzman is on Page 5, 6-2, and Page 7, 6-4, they want to include that language, in consultation with the Mayor. So, we'll take that up when we take up amendments. Thank you.

COUNCILMEMBER KING: No, I think he was on the wrong page. So, we're talking about 6-2 --

CHAIR SUGIMURA: We are.

COUNCILMEMBER KING: --number 4, where it says, Managing Director shall have the authority to appoint on a temporary basis. So that was where I was saying.

COUNCILMEMBER GUZMAN: Okay. Okay. I would agree with that too.

COUNCILMEMBER KING: Yeah, okay.

COUNCILMEMBER GUZMAN: I thought we were on 6-4.

COUNCILMEMBER KING: No.

COUNCILMEMBER GUZMAN: Okay. That's fine.

CHAIR SUGIMURA: Okay. So, anybody have any questions regarding the list of directors that the Managing Director would then have power to appoint? None, okay, next. Page 7, oh I'm sorry, we're at page, we're on --

COUNCILMEMBER KING: Page 6.

CHAIR SUGIMURA: --Page 6. So, we went through all the departments. Anybody have any questions regarding paragraph 5? So, we're eliminating the name, the Mayor, and we're adding in the Managing Director. So, those powers and authorities that the Mayor did have is now deleted and the Managing Director then has the authorization to appoint those positions within the 60-day period which we're all familiar about.

COUNCILMEMBER KING: With . . .*(inaudible)*. . .

CHAIR SUGIMURA: And then, we also have except for the Director of Water Supply, all directors appointed pursuant to this section may be removed by the Managing Director with notice to, but not approval, by the Council.

COUNCILMEMBER KING: Yeah.

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CHAIR SUGIMURA: Okay. Number, are you guys fine with number 5?

COUNCILMEMBER KING: Well, yeah, we just, I was just explaining that we're putting in that language that say appoint with, you know, with, in consultation with, and final approval of the Mayor, that we're putting that into paragraph 5.

CHAIR SUGIMURA: So, we'll take up amendments when we get there.

COUNCILMEMBER KING: But that was part, Chair, that was part of the original amendment. It said, if you look at the original amendment that we voted on, it said add the words "in consultation with, and final approval of the Mayor" to all sections, giving the Managing Director power to hire specified officers and directors. So, this is one of the sections that it should be added to, to make that clarification. And I think that was what Mr. Guzman was concerned about was that it hasn't been added in to all those sections. So --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: --you know --

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER KING: --that's part of the original amendment.

CHAIR SUGIMURA: Staff, you got that?

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

CHAIR SUGIMURA: You got that, Shelly? Okay. Paragraph number 6...

COUNCILMEMBER COCHRAN: Chair? Chair? Hang on. Chair?

CHAIR SUGIMURA: Yes?

COUNCILMEMBER COCHRAN: Number 5 --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER COCHRAN: --the last addition in reference to the water --

CHAIR SUGIMURA: Yes?

COUNCILMEMBER COCHRAN: --Director of Water, what, I just want to know the back story as to why the Water Director was kind of pulled out and treated differently from other --

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CHAIR SUGIMURA: So, you're wondering --

COUNCILMEMBER COCHRAN: --heads.

CHAIR SUGIMURA: --whereas the other department heads...

COUNCILMEMBER COCHRAN: Yeah, why --

CHAIR SUGIMURA: Mr. Kushi, do you have history on that?

COUNCILMEMBER COCHRAN: --it does not need --

CHAIR SUGIMURA: Or, Mr. Underwood, any of you have...

COUNCILMEMBER COCHRAN: --this one not approved by Council, I mean, why, do you know?

CHAIR SUGIMURA: Mr. Kushi?

COUNCILMEMBER COCHRAN: And...

MR. KUSHI: Madam Chair, as far as I know of, there's three director positions that if the Mayor wanted to remove, required Council approval, Corp. Counsel, Prosecutors, and Water. Regarding Water, I think it went way back from the initial beginnings for whatever reason. Because of the nature of the Department, it went from autonomous, semi-autonomous, to regular department, and back and forth at least three or four times, three times at least. So, I think that being the case, it was always in the language where to appoint you need Council approval, to remove you need Council approval. And lo and behold, you have a situation currently where, you know, we're dealing with that. But again, historically it's always been the case as far as I know of. Whether it's wise or not, that's beyond my pay grade, you know.

CHAIR SUGIMURA: So...

COUNCILMEMBER COCHRAN: Okay.

CHAIR SUGIMURA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, yeah, okay, thank you for that background. 'Cause the current system obviously didn't help our situation we're in right now which led, has led into a litigation. And so, I'm just wondering how this last sentence, is this trying to help avoid the situation we're in currently? It's saying that the Managing Director, and we need to add those words in, in consultation with the Mayor, except for, shall have, the Council does not act, then within the 60 days the appointment shall be deemed confirmed. So, I guess it's just taking out the Council having a say on this particular position.

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CHAIR SUGIMURA: On the removal, right?

COUNCILMEMBER COCHRAN: Right, on the removal.

CHAIR SUGIMURA: On the removal. So, it's taking out, it's changing --

COUNCILMEMBER COCHRAN: So...

CHAIR SUGIMURA: --what we currently have.

COUNCILMEMBER COCHRAN: Right. It's opposite from what our practice is today.

CHAIR SUGIMURA: Correct, with that Water Director. Mr. Kushi?

MR. KUSHI: Yeah, if you're speaking about at Page 6?

COUNCILMEMBER COCHRAN: Yes, at the top.

CHAIR SUGIMURA: Yes.

MR. KUSHI: The middle, the last sentence, except for the Director of Water Supply?

COUNCILMEMBER COCHRAN: Number 5, yeah.

MR. KUSHI: I believe that was to, that was added in to be consistent with the current situation for removal only.

CHAIR SUGIMURA: Okay. Does that answer your question?

MR. KUSHI: The rest of the paragraph above --

COUNCILMEMBER COCHRAN: Yes?

MR. KUSHI: --the new paragraph 5, it only concerns I believe appointments, appointments with the approval of the Council. And if they're not approved, then there's a methodology, a procedure to file a new appointment, a new different appointment.

CHAIR SUGIMURA: Do you have a --

COUNCILMEMBER COCHRAN: Okay.

CHAIR SUGIMURA: --do you have another continuing question?

COUNCILMEMBER COCHRAN: It doesn't, okay, I'm just...

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CHAIR SUGIMURA: So, basically what this does is on another item on our agenda is 10(7), delete the, where the Council has to approve the removal of the Water Director. It, this basically does that, right? So, it's...

COUNCILMEMBER COCHRAN: So, that word "remove," though, was it what really held us up in this whole discussion in the wee hours and it was that word "remove" that was the deciding factor of why we're in this situation with the current Water Director. So, to me, if we don't really buckle down and define really, really figure out what is everyone's interpretation of the word "remove," we're going to be in that same situation. I don't care what, who, what, where, when, why. 'Cause that word "remove" was the sticking point of everything. We met, you know, so...

CHAIR SUGIMURA: Mr. Kushi, you have a comment on that, since we're talking about legal terminology?

MR. KUSHI: Yeah, you know, I think we discussed this before. And, you know, I would not be opposed to instead of say remove, terminate. Let's make it clear, you know.

COUNCILMEMBER COCHRAN: Yeah.

MR. KUSHI: I mean, that's what the intent is, right?

COUNCILMEMBER COCHRAN: Yes.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Yeah, I think, and Mr. Kushi maybe you can find it, because there is a definition. I believe you did add a definition of removal in here. I'm looking for it right now, that it has a time limit in it. Do you recall that?

COUNCILMEMBER COCHRAN: Is it page 40?

COUNCILMEMBER KING: Where did we put all the definitions?

CHAIR SUGIMURA: Page 40.

COUNCILMEMBER COCHRAN: Is that where all the definitions are?

MR. KUSHI: Madam Chair, Member King, I think it's on Page 8.

CHAIR SUGIMURA: Page...oh.

MR. KUSHI: At the top, the last sentence on paragraph 4, it says prolonged administrative leave of not more than 30 days without action shall constitute removal. Is that what you're talking about?

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COUNCILMEMBER KING: Right, right, the Managing Director may be removed by the Mayor, subject to veto by the Council, or by a vote of at least two thirds. Is that the paragraph you're talking about? But at the bottom of that paragraph it says prolonged administrative leave of more than 30 days without action shall constitute removal. So, that was a definition that wasn't in there before.

MR. KUSHI: Right, and, but again, Member Cochran is saying --

COUNCILMEMBER KING: Does that apply to...

MR. KUSHI: --I believe she said instead of removal we just say terminated, fired, or whatever, you know. It's not a legal term. It's a generic term, you know.

CHAIR SUGIMURA: So, do you think then, Mr. Kushi, we should add it into, on to Page 40, which is Section 13-1 Definition? So, if we can hold that thought, I mean, if that's where you need the clarification --

MR. KUSHI: Right, right, right, right.

CHAIR SUGIMURA: --Ms. Cochran.

MR. KUSHI: I think you can entertain amendments later.

CHAIR SUGIMURA: Okay. We'll entertain amendments --

COUNCILMEMBER COCHRAN: Yes.

CHAIR SUGIMURA: --when we get there.

COUNCILMEMBER KING: Because, and maybe I could just also express, I think that, some of that conversation when we were talking about removal was the fact that, no, he wasn't terminated but he was removed from the job. So, this is a way of defining, you know, not, that someone can't just be removed from the job and not terminated and left there, you know, for a prolonged period of time with no action because that was, I believe that's what the Council, I mean, that was certainly my reason for voting against his removal because he was sitting at home with a full salary and not being terminated so he was still within the non-termination. But he wasn't able to do his job and he wanted to get back to his job. So, you know, I'm in favor of actually defining removal because it's been, to me it's been abused.

CHAIR SUGIMURA: Okay. Thank you.

COUNCILMEMBER GUZMAN: Chair?

CHAIR SUGIMURA: Yes, Mr. Kushi?

COUNCILMEMBER GUZMAN: Guzman.

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CHAIR SUGIMURA: Oh, I'm sorry, Mr. Guzman. Sorry, you sound like Mr. Kushi.

COUNCILMEMBER GUZMAN: Thank you. You know, Chair, when we're talking about the other sections of the directors --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER GUZMAN: --and we're talking about removal, and maybe Mr. Kushi could verify with me that what we're here today is for the actual Managing Director sections. And so, if you're going to make a substantial change or if it's determined that the word "removal" is a substantial change in that section, that should be addressed in the Water Director Approval and Removal section of the Charter which would be a completely different section than what we're dealing with in the Managing Director. So, how, that being said, if you were going to change sections of the Water Director, how do you then write out the question that's going to be on the ballot? So, is that going to be --

CHAIR SUGIMURA: That's a good...

COUNCILMEMBER GUZMAN: --here are the amendments for the Managing Director --

CHAIR SUGIMURA: And by the way.

COUNCILMEMBER GUZMAN: --and then, a second question underneath that is A. --

CHAIR SUGIMURA: Too confusing.

COUNCILMEMBER GUZMAN: --to amend the directors section of removal. It gets really convoluted and confusing. I would rather that we, there's another amendment for the Water Director. So, we just bifurcate it, keep it clean --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER GUZMAN: --you know.

CHAIR SUGIMURA: Good point.

COUNCILMEMBER GUZMAN: I don't know if Mr. Kushi would agree with that.

CHAIR SUGIMURA: Mr. Kushi?

MR. KUSHI: Well, again, as I understand it, the amendment proposed by Member Guzman about the Water Director is still alive. There will be a separate amendment. If that passes, my understanding is that takes effect next year 2019. This amendment here we're talking about 10(2) does not take effect until 2021.

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CHAIR SUGIMURA: Twenty twenty-one.

MR. KUSHI: So, there's a situation there, it's an interim period, you know. In any event, again, it's up to the voters what they decide right? If you put that amendment regarding removal and definitions in this 10(2), I believe you may, again, in my mind you need to, this body needs to decide on your amendment first. Okay. And then, if your amendment is on the, is being proposed, this amendment should reference any interim Charter amendments from 2019 and 2020. Because then, 2021 takes in effect, it's a whole new scheme, you know, and I expressed my concern to Member King about these interim changes because in the example of department heads, for two years the Mayor appoints. In 2021, the Managing Director appoints. The initial term of the Mayor's appointments is for the term of his or her term. The question becomes in 2021 when the Managing Director appoints, what are the terms of the then new or reappointed department heads? So, I think you need to kind of vet that out, see how that would mesh in the event both amendments pass. Okay.

CHAIR SUGIMURA: Okay.

MR. KUSHI: Again, getting back to the subject matter --

CHAIR SUGIMURA: Isn't that interesting?

MR. KUSHI: --Member, Madam Chair, regarding removal, termination --

CHAIR SUGIMURA: Yeah.

MR. KUSHI: --and the authority of the Mayor, or the Managing Director to do it subject to Council approval, so you have the DPS Director here and I did make a statement to say I would not object to saying instead of remove, to terminate.

CHAIR SUGIMURA: Okay.

MR. KUSHI: Maybe you need to have the discussion with him about administrative leave --

CHAIR SUGIMURA: Oh, good point.

MR. KUSHI: --you know, again --

CHAIR SUGIMURA: Mr. Underwood?

MR. KUSHI: --you've done it before, but --

CHAIR SUGIMURA: Oh, I'm sorry.

MR. KUSHI: --in terms of a Charter amendment, since he's here why don't you ask him?

CHAIR SUGIMURA: Okay. Mr. Underwood, remove, terminate, tell us.

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MR. UNDERWOOD: Thank you, Madam Chair. For us, I think the issue that caused the current situation really is the administrative leave issue, you know. It's not really a definition of terminated versus, you know, what is tantamount to removal? I think if we put termination, that doesn't necessarily solve that issue. Something like the suggested language of anything over 30 days is considered, that's probably more easy to administer than just trying to put in, changing the word from "removal" to "terminate." I don't know if that would have precluded the situation that we find ourselves in. And I did have one technical note on this since we're talking about removal and we're kind of on the section. If you look at Page 29 of the Removal of the Water, Director of Water Supply, it says the procedure for the removal of the Director of Water Supply by the Managing Director shall follow the procedures set forth in 6-2.6. I would just note that there really aren't clear removal procedures set forth in 6-2.6. So, maybe that might be something that you want to revisit.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER GUZMAN: Six dash two dash [sic] six..

CHAIR SUGIMURA: Page 29. Okay. So, when we get there then. So, you're saying that that's not very clear then?

MR. UNDERWOOD: Six dash, Chairman, 6-, 6 talks specifically about Corporation Counsel and the Prosecuting Attorney. It doesn't reference Water Supply. So, I don't know if that might be, to me you might want to insert.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: Yeah, I think that, Chair, I think the intent was, well I know the intent was to not treat Corp. Counsel, Prosecuting Attorney, and Department of Water Supply as the same as all the other departments because they have, you know, Corp. Counsel is serving both the Mayor and the Council, and then the other ones have, or the Department of Water Supply has a Board of Water Supply consulting agency. So, it was kind of recognized that those were different types of offices.

CHAIR SUGIMURA: Mr. Kushi or Mr. Underwood, no, I think more Mr. Kushi, so, if we make changes to this section, do we have to change the title of this resolution because now we're talking about removal of the Water Director? The title is, proposing an amendment to the revised Charter of the County of Maui, as amended, to reorganize executive branch to establish an office of Managing Director, provide for the appointment of the Managing Director, and define duties and responsibilities. So, would we have to add in anything like that? Was that a major change?

MR. KUSHI: Your question is, you need to change the title of the resolution?

CHAIR SUGIMURA: Yeah.

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MR. KUSHI: To include Corp. Counsel, Prosecuting Attorney's, and Water Director?

CHAIR SUGIMURA: The discussion, the section that we're talk, the paragraph we're talking about, which is the Water, removal of the Water Director.

MR. KUSHI: Madam Chair, in my mind, no --

CHAIR SUGIMURA: Okay.

MR. KUSHI: --because the resolution is all encompassing. You need to read each item of the resolution. But I think the question to the voters is clear enough. It looks at who's appointing these people.

CHAIR SUGIMURA: Okay.

MR. KUSHI: And...

CHAIR SUGIMURA: And removal?

MR. KUSHI: Correct, and removal of those three positions that's still, you know, subject to Council approval. Nothing has changed.

CHAIR SUGIMURA: Okay. Mr. Guzman, your light is on. Do you have a question?

COUNCILMEMBER GUZMAN: Yeah, just getting back to my initial I guess issue, and then what Mr. Kushi had mentioned about the staggering terms. Like if this were to be passed in regards to the Water Director's removal, again, you're waiting two years until its effective date versus a clear, separate amendment that could be effective at the time that it's passed by the people. So, there's conflict and it, I think where it comes down to is being clear, having clarity when they read it on the ballot. So, how do you, like again, how do you then write a question that says, okay, in two-and-a-half years --

CHAIR SUGIMURA: Option one, option two.

COUNCILMEMBER GUZMAN: --things are going to change for the directors versus a complete separate amendment under the Water Director's section. Thank you.

CHAIR SUGIMURA: Okay. Mr. Kushi?

MR. KUSHI: Yes, Member Guzman, I did discuss this with Staff and Member King. And right now, the entire resolution takes effect January 2, 2021. However, because of that interim transition issues, we've decided, we talked about and discussed that maybe certain provisions in this resolution would take effect 2019. One of them is the appointment, or the designation, or the creation of this selection committee, you know, to select and nominate the Managing Director 'cause pursuant to this resolution, you need to create an ordinance. That in itself takes time. So, in two years they should at least, you guys, the Council should create the ordinance, get the Committee setup, do

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the selection process, and be ready to roll on 2021. But you need to say in the proposal, this section covering that ordinance shall take effect 2019. The other section I suggested to Member King is that the appointment of the directors by the Mayor in 2019, director heads, department heads are only appointed for two years. Okay. Not the term of the new Mayor. So, they take their chances. They only got two-year appointments. Come 2021, the Managing Director appoints them. But that section needs to be in effect, effective date in 2019. Now, you may talk about and getting to it in terms of when the amendments become effective --

COUNCILMEMBER GUZMAN: Yeah.

MR. KUSHI: --and that's on Section --

COUNCILMEMBER GUZMAN: Page 42.

MR. KUSHI: --21 or 22.

COUNCILMEMBER GUZMAN: And also 42, Mr. Kushi --

MR. KUSHI: Right, right, right.

COUNCILMEMBER GUZMAN: --which is the effective date of the amendments, effect, according to Page 42, paragraph 23, amendments upon official certification shall take effect on January 1, 2021. So, yeah, I see what you're saying.

MR. KUSHI: Yeah, yeah.

COUNCILMEMBER GUZMAN: They're, if in fact you want certain sections to be effective earlier, then we're going to have to indicate that.

MR. KUSHI: Correct.

COUNCILMEMBER GUZMAN: And then, also in compliance with your suggestion, we rework or reword the call of the question on the ballot.

MR. KUSHI: Yeah, the ballot question may need to be amended to say that this certain section regarding so and so, takes effect 2019 --

COUNCILMEMBER GUZMAN: Right.

MR. KUSHI: --this section so and so, you know.

COUNCILMEMBER GUZMAN: No, I see that, yeah, for clarity purposes, yeah.

MR. KUSHI: But again, it's up to this body to decide, right?

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

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CHAIR SUGIMURA: Okay. Thanks for that discussion. Anything else, Member King? Your light is on. No? Paragraph 6, Page 6, this is an entirely new paragraph that is being added. And it reads, within 60 days of taking office, or within 60 days thereafter a vacancy is created or anytime during the term of the Mayor, the Mayor shall appoint or may propose to remove Corporation Counsel and the Prosecuting Attorney with written notice of the appointment or proposed removal to the Council. The Council shall confirm or deny the appointment or the proposed removal within 60 days after receiving notice of the appointment or proposed removal. If the Council does not act within the 60-day period, the appointment or proposed removal shall be deemed to be confirmed. The appointment shall take office upon appointment by the Mayor but shall not continue in office if the Council denies the appointment. If the appointment is denied by the Council, the Mayor shall make a new, different appointment within 60 days of the Council's denial, and the Council shall confirm or deny within 60 days after receiving the notice of a new, different appointment by the Mayor. If the Council does not act within 60 days, the appointment shall be deemed to be confirmed. The term of the, any Corporation Counsel or Prosecuting Attorney appointed by the Mayor and confirmed by the Council, unless earlier removed as provided here shall end with the term of the Office of the Mayor. Such offices shall not hold over more than 60 days after their respective term of office and shall immediately vacate their respective offices at the end of the period or upon the appointment of a successor in accordance with this chapter, whichever comes [sic] first. Anyone have any questions? This basically gives the Mayor the authority to appoint Corp. Counsel and Prosecuting Attorney, and the positions then stay with the term of the Mayor, unlike the Managing Director.

VICE-CHAIR CRIVELLO: So, Chair?

CHAIR SUGIMURA: Yes?

VICE-CHAIR CRIVELLO: So, what we're saying here then, we come back to Mayor and not Managing Director --

CHAIR SUGIMURA: Correct.

VICE-CHAIR CRIVELLO: --for just these two appointments. All others, Mayor's removed, and it's Managing Director? Okay. Just trying to understand.

CHAIR SUGIMURA: Yeah, correct. You're absolutely right. Any other questions regarding that? None? Section 6-3, Powers and Duties of Administrative Heads, pursuant...the paragraph 2 has a change where it basically deletes the Mayor, adds in the Managing Director. So, number 2 says, administrative head of a department shall perform such duties and exercise such powers as provided for herein, or as may be assigned by the, Mayor is deleted, and Managing Director is added. Number 3, paragraph 3, the powers and duties and functions of the administrative heads of any department may be assigned to any staff member or members of that department by the administrative head, and it's adding in or, and or, or or by the Managing Director. I have a question

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on that. So, Ms. King, in our current Charter, it doesn't have this. So, administrative head basically can assign to any staff member or members of that department powers, duties, and functions, less with the administrative head. So, why did you add in the Managing Director here?

COUNCILMEMBER KING: Well, I was trying to get the, give the, it's in the spirit of giving the Managing Director the authority to actually manage the department. So, right now, most of our managing directors don't even appoint their own deputies. And a lot of them don't, a lot of the departments, you know, are dealing with constant changeover. And so, this gives that, the Managing Director the authority to step in if the director's not there, or work with the director. I mean, it's sort of, it goes along with the, with basically the model of business or corporate management is that you have these levels of management and the top levels of management are responsible, but they're not usually in the weeds with the next level of management. But you have a, you know, whether or not you're the actual one, you know, and some of this is, can be taken literally if the bodies aren't there. But some of it is putting that responsibility and making it clear that the Managing Director is responsible for the various departments.

CHAIR SUGIMURA: So, he can talk to any employee and tell them what to do, basically what this says, right?

COUNCILMEMBER KING: Well, that's, you know, what a good manager does. I mean, they don't override, they don't usually override their middle management in a professional setting. I mean, I think if you talk to Mr. Regan, he would agree that that's one of the things that is required by that certification. So, you have to understand the levels of management and, you know, what micromanagement is versus managing the managers.

CHAIR SUGIMURA: Okay. So, that's adding in the, so he can go in to talk to all the levels --

COUNCILMEMBER KING: Yeah.

CHAIR SUGIMURA: --within the department, right?

COUNCILMEMBER KING: Right.

CHAIR SUGIMURA: So, you're saying he can go and micromanage.

COUNCILMEMBER KING: Well no, I'm saying that he can talk to them, yeah. Anybody can talk to them --

CHAIR SUGIMURA: Right.

COUNCILMEMBER KING: --I mean, the Mayor can talk to them.

CHAIR SUGIMURA: Okay. Any questions? Mr. Guzman?

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COUNCILMEMBER GUZMAN: Yeah, I, does that mean that the Managing Director, let's see, the powers, duties, and functions of the administrative head of any department may be assigned by any staff, or department, or administrative head or the Managing Director. So, basically the Managing Director can come in and take over the powers and duties of the administrative, of the director of that department.

COUNCILMEMBER KING: Yeah, that's...

CHAIR SUGIMURA: The only reason why I ask, Mr. Guzman --

COUNCILMEMBER GUZMAN: I see.

CHAIR SUGIMURA: --is because it's not in our current Charter.

COUNCILMEMBER GUZMAN: Yeah, yeah, no I...

CHAIR SUGIMURA: --it doesn't have the Mayor inserted there.

COUNCILMEMBER GUZMAN: Yeah, yeah.

CHAIR SUGIMURA: So, it just kinda popped out as a change.

COUNCILMEMBER KING: Yeah, it's a change. It's a managerial type of change and you would see that in a, in any business structure. You wouldn't see it down to, you know, from the very top CEO level down to the ground floor. But I think we have that sometimes in our current system. I was trying to setup structures of management.

CHAIR SUGIMURA: Okay. Mr. Guzman, you have a question?

COUNCILMEMBER GUZMAN: I have a question for Mr. Kushi. Does this language here in number 3, does that conflict with the languages that, the language that is in within each departmental description of the department heads and their authorities?

CHAIR SUGIMURA: Mr. Kushi?

COUNCILMEMBER GUZMAN: Because what you're saying here is you have a department head and you also have a Managing Director. And the Managing Director then can have the powers and duties and functions as the director of the department and can come in and make various assignments and changes. So, it's giving the Managing Director the ultimate authority over the director. Is that in conflict with any, and I'm just asking conflict of law, in any sections of the specific department descriptions of the directors and their authorities and powers?

CHAIR SUGIMURA: Mr. Kushi?

MR. KUSHI: Yes, Madam Chair, Member Guzman, if I understand your question, right now the last sentence added of that department by the administrative head or by the

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Managing Director, it's not in the current Charter. And this paragraph 3 only concerns assignments within the department, example, if it's a duty of the Managing Director to be, of that department head to do a, b, c. For whatever reason he assigns that task to a division head, okay, it's perfectly fine here. But this provides that the Managing Director may do that. So, if you're saying that it's a conflict, there may be. But again, under the scheme of the whole resolution is that these department heads would be answerable to the Managing Director. Now, you're putting, this adds another, I guess, authority by the new Managing Director to get into each department and look at what assignments are being done. But again, you know, it's something new. It may or may not be in conflict. Each department head, each department as I understand it, under the table of organization does not include the Mayor or Managing Director. They just do staff down --

COUNCILMEMBER GUZMAN: Right.

MR. KUSHI: --well boards and commissions, et cetera, on the side. But again, I'm not, so long about an answer saying I don't know.

COUNCILMEMBER GUZMAN: Yeah.

MR. KUSHI: But it does add another authority by the Managing Director.

COUNCILMEMBER GUZMAN: Just another layer of...but I guess, my case scenario would be if the director who probably most likely would know his department inside and out because he's on a day-to-day basis he's in the field and is really his, he's the commander of his department. And then you have a Managing Director that comes in and says, you know what, I need to change up some of your division, some of your subdivisions. At that point, it would be the authority of the Managing Director to then, he would have the ultimate authority to do that. And regardless of whether there is objections from the department head, that would be done. The Managing Director's method would be followed. That's my question in terms of conflict of authority. 'Cause you may have a strong department head who, like I said, I'm assuming they would know exactly to the detail how each division works and how the department works, versus a Managing Director that comes in and says, okay, I'm going to make some changes. What if there's a conflict? What if the director doesn't agree with the Managing Director? Does it then, the ultimate authority comes down to the Managing Director on the changes? That's my question.

CHAIR SUGIMURA: Mr. Kushi.

COUNCILMEMBER KING: I can respond to that if you want.

CHAIR SUGIMURA: Mr. Kushi, you have a thought on that?

COUNCILMEMBER GUZMAN: You don't have a response yet?

COUNCILMEMBER KING: Can I respond to that?

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COUNCILMEMBER GUZMAN: And my question isn't to my colleague. It's to Mr. Kushi who is the --

CHAIR SUGIMURA: Legal aspect.

COUNCILMEMBER GUZMAN: --legal Corporation Counsel. And I do value my colleague's opinion. But I also see where the role of Corporation Counsel is to determine conflicts. So, if he doesn't have a response, maybe I can ask him for a written, to opine on it --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER GUZMAN: --maybe on a briefing or something like that or come back to me personally and give me some of his opinion.

CHAIR SUGIMURA: Thank you. Mr. Kushi?

COUNCILMEMBER GUZMAN: And I do respect my colleague's opinion. I just would --

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER GUZMAN: --like to hear it from the Corp. Counsel.

CHAIR SUGIMURA: I understand.

COUNCILMEMBER GUZMAN: Thank you.

MR. KUSHI: Madam Chair, you know, I'm just looking at this. Again, it's something new. I haven't really thought about it. But maybe for Member King, was the intent saying that in the event the department head is not there, then the Managing Director could make the assignments? If that's the intent then, you know, some language should be there.

COUNCILMEMBER KING: Well --

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: --can I respond? Okay. So, yeah, thank you for the question. I think that's one case scenario. Another case scenario might be looking at, like we'll take Department of Environmental Management. You know, we've got this division of Environmental Protection and Sustainability and there's no plan and there's no, nothing in there about conservation or environmental protection. So, that might be a scenario where the Managing Director would step in and go look, we're going to pick somebody from your Department, or you gotta hire somebody, you gotta move somebody from your Department to be in charge of this who understands environmental protection and create this division. And that's what upper management does, you know, you, the, a good manager who hires good directors is

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going to work with them as much as possible. And you're hiring them because of their expertise. But when something happens where maybe there's an area that they don't have expertise in and you need to, and you see something's not getting done, I mean, that's what we do in our own business, you see something's not getting done, you go maybe over your manager's head and you go look, we gotta figure out why this is not getting done and create, you know, bring somebody in who here has, you know, we do like, you know, who here has fabrication experience and we created a division of fabrication because that manager wasn't doing it. So, you put in these checks and balances so that things get done. I mean, the whole point is to have things get done. But, you know, when you are trying to set up a system like this, you're fully expecting that a Managing Director, because he's hired these directors, is going to hire some good people and you're going to work with them as much as possible. So, you don't necessarily have to go around them. That's what, you know, you want to make sure you have somebody. But a lot of times, I mean, what I see right now is a lot of lack of, you know, we're creating divisions and then we didn't, if that expertise doesn't fit there, someone's going to, someone should have gone in, in 2013 after it passed and said where's this division? Why didn't you guys create this division, right? So, you know, it allows for that kind of a thing, too. And it allows for if the administrative head is, you know, not there and somebody's not doing his job, someone could temporarily be assigned to it. But, and these are all kind of management checks and balances. And, you know, it's not a typical thing that everybody would understand unless you've been through these kinds of management situations. But thank you for the question.

CHAIR SUGIMURA: Thank you. I'm going to...

MR. UNDERWOOD: Chair?

CHAIR SUGIMURA: Oh, Mister, and then, Ms. Crivello, has her light on.

MR. UNDERWOOD: I was just going to make one technical note. In Section 6-5 about the powers of the managing director, it does give supervision over, and certain departments to the Managing Director. But this gives it, this would apply to all departments. So, I don't know if that would enter into Mr. Kushi's analysis for Mr. Guzman. I just thought I would point that out.

CHAIR SUGIMURA: Thank you. Ms. Crivello, do you, you have your light on.

VICE-CHAIR CRIVELLO: I forget already, take too long.

CHAIR SUGIMURA: Sorry.

VICE-CHAIR CRIVELLO: So, going to Mr. Walker's, no, not Mr. Walker --

CHAIR SUGIMURA: Underwood.

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VICE-CHAIR CRIVELLO: --yeah, Mr. Underwood, on his, it kind of brings it into full circle how the Managing Director has all the strings to pull or not to pull if I understand this right. So, why are we having a Mayor? That's just a question I throw out, why are we having a Mayor? No need then, save money.

CHAIR SUGIMURA: Good question.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Ms. King?

VICE-CHAIR CRIVELLO: I don't need an answer. I just throw that out there.

CHAIR SUGIMURA: Well, yeah, we just...

COUNCILMEMBER KING: Well, it's a question that's out there, meaning, I mean I guess, the implication is that there is no need for a Mayor. But it's like having a CEO, you know, you have the CEO sets the vision, makes major financial decisions for the organization. But they don't necessarily manage everybody in the system. You have managers that manage that. And a good CEO has the vision for where they're taking the company and makes those major decisions based on, you know, and the Mayor's position is the political position. They're the one that has to run for office and they're the one that interacts the most in some of these political meetings and the Legislature and with other counties and things like that. So, there's a, it's kind of like saying, you know, why do we need a head of a company if we have all these managers. Well, you know, you do need, you need in any typical successful company anyway, you have somebody who's in charge of everything, and then you have someone who's charge of operations, which is what we're likening the Managing Director to. So, that person handles all the departments in getting things done so that the CEO can focus on the vision and making financial decisions for the entity and building relationships and in our case, we have a lot of Legislative stuff going on, which becomes very political.

CHAIR SUGIMURA: Thank you. Okay. So, next let us talk about the next section, which is 6.4 on Page 7.

COUNCILMEMBER COCHRAN: Chair? Oh, Chair?

CHAIR SUGIMURA: Yes?

COUNCILMEMBER COCHRAN: Sorry, before we move forward, as Mr. Underwood mentioned that Section 6-3 encompasses all departments in reference to his Department, Personnel that's sort of a standalone type of functioning department also, right, Mr. Underwood? I mean, you're...the Managing Director wouldn't go in and be managing, per se, or yours in particular either, such as Fire, Police.

CHAIR SUGIMURA: And the...

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COUNCILMEMBER COCHRAN: You're kind of a department in that kind of realm almost, not, you know exactly. But...so, I just kind of wanted to, yeah, bring that point up in how this is in reference to actually your Personnel Department itself.

CHAIR SUGIMURA: Mr. Underwood?

MR. UNDERWOOD: Chair? You're correct. We are established separate from most County departments. We're actually established by State statute outside of the Charter. We are a commission Department. So, the appointments are made by the commission, not by the Mayor or the Managing Director. The reason we're established that way is to give us some certain amount of latitude, independence from the political process, given that we govern the civil service. So, we do need to have that, a certain amount of latitude. But we do follow the administrative directives of the Mayor and the Managing Director now. I mean, it's, we're all paddling the canoe together. So, we're going in one vision. But there is, I think there is, would be a concern.

COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER COCHRAN: Yeah, I was...okay.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Are you done?

COUNCILMEMBER COCHRAN: Yes, thank you.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Yeah, there's a list. And I gave, and I know you didn't want to go through any new amendments, but I gave a list that outlines the first three amendments and then had a fourth one to Staff. And then, the third amendment that we passed that we voted on which included the Mayor in consultation with the hiring of directors outlines the eight departments. So, no, Department of Personnel is not on here, it's Finance, Public Works, Parks and Recreation, Planning, Environmental Management, Housing and Human Concerns, Director of Transportation.

CHAIR SUGIMURA: Correct, but I think what Mr. Kushi [sic] was saying, I think he said that, that 6-3 it actually talks about all departments. So, even if the Managing Director would only have jurisdiction and the Mayor only those, it would also be inclusive of the Personnel, Fire, Liquor, and Police, which are now run by Commissions. So, that would be a concern for clarity. So, we can go through that. Members, it's almost noon, or is noon in a few minutes. Can we continue a little while? Or I don't have quorum for this afternoon, I tried to get quorum for after IEM. Yes, Mr. Guzman?

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COUNCILMEMBER GUZMAN: I apologize, Chair, I do have some amendments. Can I just at least hand it over to the Committee?

CHAIR SUGIMURA: You can hand it to Staff.

COUNCILMEMBER GUZMAN: Just because, you know, it, my schedule is really crazy. And so, I'd rather that I have this submitted to the Committee via, or I'll have to transmit it, which will take a couple days.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER GUZMAN: Can I just submit my amendments --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER GUZMAN: --to the Committee?

CHAIR SUGIMURA: Yes, please do.

COUNCILMEMBER GUZMAN: Okay. Thank you.

CHAIR SUGIMURA: As well as, I guess if Ms. King has some amendments too. So, going back to my question, it is noon. This meeting is to end at noon. You want to continue a little while, or, I don't have enough quorum for this afternoon after IEM. So, tomorrow at 9 o'clock...huh? Or just, wait, one moment. . . .(gavel). . .

RECESS: 11:58 a.m.

RECONVENE: 12:00 p.m.

CHAIR SUGIMURA: . . .(gavel). . . We received in our meeting, Mr. Guzman's amendments, proposed amendments, and Ms. King has some amendments, and I need to receive it in public. So, if you can get that to the Staff, your amendments? They need to make copies of it --

COUNCILMEMBER KING: I gave it to Shelly.

CHAIR SUGIMURA: --so that will be distributed to you, Members. Members, it is 12 o'clock. So, you want to work for a little while, or take a recess? Okay. We'll recess, and again, I tried to get quorum for this afternoon. I was not successful after IEM to continue this discussion. So, tomorrow morning at 9 o'clock, I'm going to recess this meeting and reconvene the meeting in the Chambers to continue the discussion. And basically, what Staff is doing now is going to make copies of the proposed amendments from Mr. Guzman and Ms. King, which will be passed out to you before you leave today if you so decide. And we're going to continue on with page number 7 of this 42-page proposal, taking up Section 6-4, Specific Qualifications for Administrative Heads, and continue that discussion there. So, that's where we left off.

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COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Members, are you all fine? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, you have quorum for 9:00 a.m. on Tuesday?

CHAIR SUGIMURA: I have no quorum this afternoon.

COUNCILMEMBER COCHRAN: Right, but --

CHAIR SUGIMURA: Tomorrow...

COUNCILMEMBER COCHRAN: --tomorrow.

CHAIR SUGIMURA: Clarita? I don't have that paper here. I'm sorry.

COUNCILMEMBER ATAY: Chair, I can.

MS. BALALA: Chair, we show that we have seven Members available tomorrow morning at 9:00 a.m.

CHAIR SUGIMURA: Okay, for a recessed meeting and let's hope that those that are not feeling well will feel better. But okay, so I'm gonna stop here and take up Section 6-4, Specific Qualifications for Administrative Heads of Departments. Shelly will be passing out the amendments as was presented by Mr. Guzman and Ms. King and once we pass it out then I'm gonna recess my meeting to reconvene tomorrow at 9:00.

COUNCILMEMBER COCHRAN: But, Chair? Chair?

CHAIR SUGIMURA: Yes?

COUNCILMEMBER COCHRAN: But these being handed out today does not preclude anyone else from --

CHAIR SUGIMURA: Oh yeah.

COUNCILMEMBER COCHRAN: --submitting amendments --

CHAIR SUGIMURA: Yes, you may.

COUNCILMEMBER COCHRAN: --throughout discussion of tomorrow's meeting --

CHAIR SUGIMURA: Correct.

COUNCILMEMBER COCHRAN: --or anything after that, right? Okay.

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CHAIR SUGIMURA: Correct, correct.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR SUGIMURA: So, do you have any, Ms. Cochran, to submit?

COUNCILMEMBER COCHRAN: No, not at this moment, but --

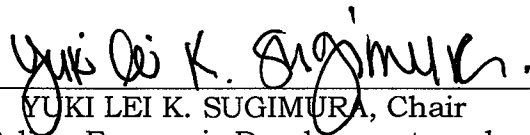
CHAIR SUGIMURA: Okay.

COUNCILMEMBER COCHRAN: --as we go through, perhaps.

CHAIR SUGIMURA: Okay. Okay. So, Members, at this time I'm going to recess this meeting. We'll come back again tomorrow morning at 9 o'clock. Let's hope that we can keep our quorum and we'll meet in the Chambers and right now this meeting is in recess. . . .(gavel). . .

RECESS: 12:04 a.m.

APPROVED:



YUKI LEI K. SUGIMURA, Chair
Policy, Economic Development, and
Agriculture Committee

pea:min:180702:mt

Transcribed by: Marie Tesoro

POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE MINUTES
Council of the County of Maui

July 2, 2018

CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 25th day of July 2018, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read 'Marie Tesoro', is written over a horizontal line.

Marie Tesoro