

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

February 12, 2019

CONVENE: 9:02 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (left at 11:58 a.m.)
Councilmember Tasha Kama (excused from 10:28 a.m. to 10:32 a.m.)
Councilmember Kelly T. King
Councilmember Alice L. Lee (arrived at 9:10 a.m.)
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 9:08 a.m.)

STAFF: Shelly Espeleta, Legislative Analyst
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

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

Mavis Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor

OTHERS: Thomas Croly
Clare Apana
Jerrybeth De Mello
Emmanuel Baltazar
Geraldine Lewis
Scott Parker
Plus (7) other people

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

PRESS: *Akaku Maui Community Television, Inc.*

GET-32 NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)
(CC 19-24)

CHAIR MOLINA: . . . (*gavel*) . . . The Governance, Ethics, and Transparency Committee meeting for February 12, 2019 is now in session. Good morning, Members. It is just after 9:00 a.m. It is Tuesday. Thank you for being here. For the record, we have seven Members in attendance, with two excusals. On their way is Councilmember Lee and Councilmember Sugimura. We have from the Corporation Counsel's Office, Mr. Kushi; and also from the Mayor's Office, Ms. Gladys Baisa. And we have our hardworking reliable Staff members, Analyst Shelly Espeleta; as well as Secretary Pauline Martins. Members, we have a large agenda but the Chair doesn't anticipate any recess dates--we hope--but anyway, Chair appreciates you all for being here this morning. We're gonna commence today first with public testimony. Rules of public testimony for today is three minutes. At the two-and-a-half minute mark, if you decide to testify, you'll see a light flashing to warn you that you have 30 seconds to complete your testimony. Staff, do we have anyone signed up for public testimony here in the Chambers at the moment? Okay. We do have one member from the public, and also we'll be going out to Molokai, Hana, and Lanai to see if there are other testifiers as well. Okay. We'll start first with Tom Croly, and Mr. Croly will be testifying on of course, our one big agenda item, which is GET-2(1). Good morning, Mr. Croly. And again, please state your full name for the record, and if you are a lobbyist, please inform the Committee that you are one, and if you represent any particular organization. Proceed, Mr. Croly.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. CROLY: Aloha, Chair. Aloha, Councilmembers, my first time addressing this Council. I'm Tom Croly and I am nominated to serve on the Real Property Tax Appeals [*sic*] Board. And I'm available here for any of your questions. It's a service that I'm happy to do and look forward to serving on. Because one resource that we have at the County that is really an exceptional resource, and I recommend it to everyone, is the real property tax records that can be accessed online at *realpropertytax.com* [*sic*]. You can learn about your own property. You can learn about the assessment's values of other properties. You can see what classifications, the tax classification the properties are in. And I would say that the general public doesn't understand much about property taxes but you can learn a lot from that real property tax website about our property taxes. And you guys get a...an update once a year from the real property tax people formally done by Scott Teruya. I guess it will be somebody else in the future now that Scott has been confirmed as Finance Director. But that update really gives you a lot of great information about what is going on in the County. It's not just about the assessment values of properties. You can learn an awful lot from that. So, I

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

encourage you to take a look at that. And I've learned a lot from Scott and from the real property tax people who do an exceptional job I think at the assessments that they do. However, the reason I wanna serve on this commission is so many of the people in the public don't understand real property taxes and they'll appeal for one reason or another primarily because their taxes went up and they don't like that, but they don't understand that it's a combination of things that make up your taxes be it the assessment amount, be it the category that you're in, be it the rate that's set by this Council. So, there's a lot of components to that. And I hope to use my knowledge to help educate the public in that way and also to serve the Department so that what they do is seen by the public as fair. If you have any questions, I'm here. I'm going down the Planning Commission. There's some items on the Planning Commission that I wanna see but I'll be nearby in case you would have any questions for me. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Croly. Members, if you need to clarify his testimony, you can do so now. If you have additional questions about his nomination per se, I would ask that you wait 'til we get into the Q&A phase. So, any need to clarify the testimony Mr. Croly just gave? Councilmember Sugimura, by the way Chair recognizes your attendance this morning.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Thank you.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice to see you, Mr. Croly. And I know a lot of times you're here talking to us about, you know, some of the things you do in the community. So, appreciate you also volunteering to do this. How long has that real property tax website been available? I'm just curious how long you've been using it.

MR. CROLY: You know, it's always been available as far as I can remember back real...*Mauipropertytax.com*. And it's only in the past few years that I became aware of Scott Teruya's reports that again give you an analysis of some of those things. But at least ten years we've had that real...*Mauipropertytax.com* online.

COUNCILMEMBER SUGIMURA: Thank you. It helps us be transparent --

MR. CROLY: Yeah.

COUNCILMEMBER SUGIMURA: --to what the community needs. So, thank you very much, Mr. Croly.

MR. CROLY: Yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. Members, any other need to clarify Mr. Croly's testimony? Council Chair King?

COUNCILMEMBER KING: Thank you. Thank you, Chair. Actually, I had a question for him on the nomination. So, but are you planning to come back when we...

MR. CROLY: Yeah, I'm gonna go down to planning commission and then I'll come back up if you need me. In the meantime, Chair has my telephone number and you can --

COUNCILMEMBER KING: Okay.

MR. CROLY: --text me --

COUNCILMEMBER KING: No, I just have --

MR. CROLY: --or whatever.

COUNCILMEMBER KING: --a question for you when your --

MR. CROLY: Yeah.

COUNCILMEMBER KING: --nomination comes up.

MR. CROLY: Okay.

COUNCILMEMBER KING: But I can hold it.

MR. CROLY: Thank you.

CHAIR MOLINA: Okay. All right. Thank you very, Mr. Croly. Okay. Staff, do we have any other individuals that would like to testify on our agenda items this morning? We do have one more? Okay. Chair would like to call up Clare Apana to the podium. Good morning, Ms. Apana.

MS. APANA: Good morning. Good morning. I am testifying on item number 21. And I would like to say on behalf of Daniel Kanahale, who's nominated for the CRC, that I wholeheartedly support this nomination, and he's a very committed and knowledgeable individual who's also kanaka. So, I think it's very good when we can step forward into the CRC and be part of hearing and making decisions. And so, he asked me to say thank you all for the nomination and that he would be honored to serve. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Apana. Members, any need to clarify Ms. Apana's testimony? Seeing none, thank you very much for taking the time to be here, Clare. Any others in the gallery that would like to testify? Okay. In the meantime, we've

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

been informed that out in Hana, there's some technical glitches going on; however, we have been told via e-mail that there is no one at the moment prepared to testify on our agenda items. In the meantime right now, let's go out to Molokai. Do we have any testifiers out in Molokai?

MS. LINDO: Aloha, Chair. This is Zhan from Molokai Office, there are no testifiers.

CHAIR MOLINA: Okay. Thank you very much, Zhan. So, so far, no testifiers in Molokai. Lanai, do we have any testifiers on our agenda item today?

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

CHAIR MOLINA: Okay. Thank you very much, Denise. Okay. One last call for testimony for our agenda items? Seeing none, Members, if there are no objections, we will close public testimony on our agenda item today.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. No objections, public testimony is closed.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: All right, as I mentioned earlier, we have Ms. Baisa from the Mayor's Office. We have approximately 34 nominees for 19 various boards and commissions to consider this morning. I'd like to open up first by asking Ms. Baisa to give some opening comments. And the Chair, after she's finished with her comments, the Chair did invite three of our nominees for questioning by not only the Chair but by yourself as well. So, Ms. Baisa, you have the mic.

MS. BAISA: Thank you very much, Chair and Members. It's a great opportunity and a pleasure to be here with you this morning. It's my first time coming before this new Council, and I have to admit I'm nervous but I'll do the best I can. My name is Gladys Baisa, and I'm the Community Liaison with the Mayor's Office. Working on boards and commissions is one of my duties. I'm here today to answer any questions you may have in regard to the nominees to boards and commissions that have been submitted by the Mayor...that have been submitted by Mayor Victorino for your review and confirmation. I'm the messenger. I represent the Mayor. These are his choices. And although I did work on getting them ready, he had the final say. To explain how we got here, when I began work with the Mayor on January 2nd, I was presented with a files of applications received by the December 31st deadline, and made aware of the deadline by which our list of nominees had to be submitted to the Council for confirmation. After sorting the applications by applicant's first priority, we created a spreadsheet to assist in our selection process. We were looking at about

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

February 12, 2019

268 applications. So, it was a lot of paper and I was very fortunate to have a very good woman who helps me with this. The application states that applicants state at...that they would like to be...they state what they like to be on in order of priority. So, that was why I sorted them according to their first priority. Using the list of openings to be filled, I reviewed the applications looking for qualifying requirements such as gender, residence, political party, experience, technical or cultural licensing or experience, ability to serve, and other relevant qualifications. Mayor extended the deadline for submitting applications to January 15. So, we also received more applications and reviewed them along with the original ones. I then contacted possible nominees and completed a phone interview. Some applicants had changed their contact information and we had to chase them around, and required many phone calls, many follow-ups, text, and e-mails to establish contact. Others were easily available and very enthusiastic. I was amazed at the amount of volunteerism that we have in our community. People were explaining about how their lives are busy and whatever, but felt this great urgency that they need to help. Some applicants withdrew their applications and didn't want further consideration, and some accepted right away. I spent almost two weeks on the phone to fill most of the open slots. I've never been on the phone so much in my entire life. I then discussed my findings with the Mayor. He suggested some revisions, which I made, and then authorized me to submit our list to Corp. Counsel for further review. They reviewed it. We met the deadline and we submitted our list to Council on January 28. I will try to answer any questions you may have about the nominees. I also wanna tell you that I wanna take this beyond just being the person who finds nominees. I am committed to monitoring commissions. I'm committed to making sure that they're trained. And I'm also going to monitor attendance 'cause I think it's really important. It is sad when we have commissions that cannot meet because they do not have quorum. And so, this is just the first step in the job that I hope to do. I also will continue this process and I'll be working with you all year as vacancies occur or we make recommendations to make changes. So, any time, you know, I'm here to answer any questions you might have. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Members, if you do have questions for the moment, Ms. Baisa will be here throughout this meeting. As you know, the Chair did call in three nominees for an interview, and a couple of our nominees do have some other pressing matters that they need to address. So, the Chair would indulge your patience at a later point during this meeting. Once we're complete with our interviews with the three nominees, I'll then open the floor for Ms. Baisa if you choose to ask her questions and then we'll address the --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --rest of the nominees. Yes, Council Chair King?

COUNCILMEMBER KING: Thank you. Yeah, no, I understand about the scheduling. I just had some questions of Ms. Baisa about the process --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --. . .(inaudible). . .

CHAIR MOLINA: Again, I would like to ask if you could wait on that, and once we're done with the nominees and then I'll recognize you first upon the completion of our nominees that are being interviewed. Again, this is just to, out of consideration that they have some pressing matters. One of 'em needs to leave real soon. So, if you would just indulge the Chair on that, and I assure you I'll recognize you first. So, with that being said, Members, any objections to the Chair's --

COUNCILMEMBERS: No objections.

CHAIR MOLINA: --recommendations? Okay. All right, I'd like to call upon first for the interview, I'd like to call Ms. Jerrybeth De Mello, who's the nominee for the Liquor Control Commission. Ms. Baisa, as Ms. De Mello comes up to the podium, please provide us some opening remarks. Chair recognizes Member Lee to our Committee meeting as well. So, we have all nine Members here this morning. Good morning, Ms. De Mello.

MS. De MELLO: Good morning.

CHAIR MOLINA: All right. If you could please go ahead and --

MS. BAISA: Chair?

CHAIR MOLINA: --share some opening remarks. Oh, sorry, and then, Ms. Baisa, go ahead.

MS. BAISA: Okay. Thank you very much, Chair. I want to say that I'm very happy here to present Jerrybeth De Mello to you. She comes very highly recommended. She has served on the Salary Commission. She served on the Liquor Adjustment [sic] Board. And she will be ending her term there and has been recommended for the Liquor Commission. Her attendance is stellar. And I understand that she is a commissioner that comes well-prepared to the meetings and works very, very hard, and is sought after as a commissioner. I'm sure she'll do a great job for us on the Liquor Commission.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Okay. Ms. De Mello, you can go ahead and address the Committee with, you know, a brief summary of why you wanna serve on this commission, and anything else you'd like to add.

MS. De MELLO: Thank you, Chair, for allowing me to be the first speaker. My name is Jerrybeth De Mello, and I come from Lahaina. And I also serve on the Liquor Adjudication Board for three terms, which is 15 years. I'm learning all the aspects of

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

the liquor findings that we have with out there and being a very concerned community member. I watch out for the license plus how they enforce...act...how they enforce on asking people for their IDs, because the IDs can be mistaken for when it's oblong and horizontal. So, I wanted to serve on the Liquor Commission long time ago but wasn't able to because it was always filled. But now I would have the opportunity and be nominated to serve on it since they have a seat open and I hope that you would consider me for that nomination.

CHAIR MOLINA: Okay. Thank you very much, Ms. De Mello. Members, the Chair did request Ms. De Mello's presence to our Committee meeting this morning primarily because she's being considered for a very high-profile and important commission. And, Ms. De Mello, as you know this Commission has been in the news a lot. Last term, the Council ordered an audit of the Department. I believe Councilmember Sugimura led the charge on doing an audit, and the findings with the audit was very interesting to say the least. So, Chair will take the privilege of asking you the first question or two. Have you had a chance to review the audit and any thoughts on what you would do should you be confirmed as a Liquor Commissioner?

MS. De MELLO: Yeah. Weighing out the audit that came forward, yes, I know that the Commission has been under the gun. And reviewing the whole audit itself, and it's very precise, very precise. Even with our members that sits on the board, we question the company of what they do, how they do it, the training and everything with their workers. And, you know, sad to say because some of 'em get terminated, and they're out there, but we would like to see as they move forward trying to educate them and retrain them because everybody is here to make the business work out for the County.

CHAIR MOLINA: Okay. And, Ms. De Mello, my last question or comment, and it is my hope that should you be confirmed that you be a very independent-minded Commission member and not be afraid to ask the hard questions. And I know you already have some expertise with liquor matters on the Adjudication Board. So, can I get that commitment from you?

MS. De MELLO: Definitely.

CHAIR MOLINA: All right. Thank you very much. Members, the floor is open for questions. Member Sugimura as the Member who initiated the audit I'll recognize you first if you have any questions for Ms. De Mello.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Hi, Ms. De Mello. Nice to see you here, and I'm glad to hear...I didn't realize it was 15 years that you were on the Adjudication Board. And I just want to say that I think this is a perfect natural step for you that you can help the community. And based upon what you saw with Adjudication, what you've learned for the last 15 years, and the role of the Liquor Commission, you will be listening now to the people who are gonna be coming to you, asking you for their liquor licenses, right? So, the role a little bit switches. So, do you have any words

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

that you can share with us to show or to help, you know, the Commission improve its services or to do things based upon what you've learned from your last 15 years with the Adjudication Board?

MS. De MELLO: The law has changed many times with the adjudication. Now, today, the Liquor Department happens to be the Liquor Department of Maui County, the most strictest Department out of the whole State, and which is good. Because out there, I can go shopping, I see kids in the parking lot handing money over to customers to go in and buy them alcohol, you know, and they come out, they bring it, they give it to them, and they're underage. And there's a lot of accidents out there has to do with alcohol and how the companies enforce their property, how to take care of the customer when they're consuming alcohol. So, coming back to the Commission, now, yes, it's a...the table turns. So, now, I...if I'm nominated, I will be looking at the license coming in and most of them starting off business where they at, the community itself, how they're gonna keep the alcohol combined to the business.

COUNCILMEMBER SUGIMURA: One last question. Thank you. So, I appreciate what you're saying. Because actually, what you're providing is something that I believe in, which is education of underage drinking, and it is one of my side passions that I've also worked on. So, the Commission does have I think \$25,000 that they give to a community, a nonprofit for liquor education for, you know, underage drinking prevention. So, I hope to see you continue support for that. And I don't know how, Chair, but I would love to see that amount increased. I don't know if it's mandated by statute or whatever the 25,000, if it could be more. But thank you, thank you very much. I appreciate --

MS. De MELLO: Thank you.

COUNCILMEMBER SUGIMURA: --your experience.

CHAIR MOLINA: Okay. Thank you, Councilmember Sugimura. I believe Council Chair King --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --had a question.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here. I appreciate the...your time. So, I didn't get a clear sense, did you actually review the audit, the Liquor Commission audit?

MS. De MELLO: Yes, I was going over --

COUNCILMEMBER KING: Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. De MELLO: --the audit, and just by looking at it, basically, it's accurate.

COUNCILMEMBER KING: Okay. So, what would your top priority be as far as addressing the recommendations in the audit?

MS. De MELLO: For the Liquor Commission?

COUNCILMEMBER KING: Right.

MS. De MELLO: That the Commission take a look at the vendors that come in for license and where they're...in the community, where they're at, because there's a lot of children, young kids, the markets, just to make sure that it's not overflowing in areas of open up a new business for servicing.

COUNCILMEMBER KING: Okay. Great, great answer. And, the other...only the other question I had because I think the questions were, that you asked, Chair, were very good, were my questions as well. But, you know, I had some concerns with the way the Liquor Commission has handled their meetings and has noticed their meetings, and, you know, it's been in the news. So, do you have any thoughts about, you know, any --

MS. De MELLO: Hopefully...

COUNCILMEMBER KING: --changes to the way the Liquor Commission does business and does public hearings?

MS. De MELLO: Hopefully, we wouldn't be in the media if I'm...if, you know, I'm selected. Because the Adjudication hasn't been in the media because we try to do everything accordingly, and we have a lot of discussion among our self of what to take place, how to educate the company, and how to...for them to ask the Department, we could...they can send people out to help. So, hopefully, we're not in the media.

COUNCILMEMBER KING: Okay. Well, yeah, I'm hoping that your meetings will be noticed --

MS. De MELLO: Yeah.

COUNCILMEMBER KING: --to the public and we won't have those issues. I think that was one of my big issues with what came out of that report was needing to make sure that the public knows when you're having meetings and what the...what those...what the subject matter of those meetings is. That was the issue, Chair. Thank you very much.

MS. De MELLO: Thank you.

CHAIR MOLINA: Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR MOLINA: Thank you, Member King. Okay. Hang on. I believe Member...Member...Ms. Baisa, do you have anything, you wanted to clarify something that was asked of Ms. De Mello?

MS. BAISA: Yes, thank you. I wanted to let the Councilmembers know that Ms. De Mello is so, you know, she's so serious about doing this job. She actually contacted me for a copy of the audit to be prepared. And also, I want you to know that we made a special effort this year to try to deal with the gender balance. So, wherever we could find a qualified woman, we tried to see if they could serve. So, we really worked hard at this and I was very impressed that she actually asked and read it.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, just on the Sunshine part, I just wanna let the Committee know that we had the Liquor audit presented to us in December. And the Liquor Department sent to us a, I don't know, ten-page letter of all the things that they were working on and notice all the things that we do as Councilmember, they do. And that they had actually a meeting that addressed some of the concerns that were brought up in the audit in December, and it was...there was nobody in the audience. I mean it was empty according to *The Maui News*. So, they are doing the things that they need to do. And I just wanna clarify that because I think this came up during confirmation, and it's not that they don't Sunshine or that the, you know, Corp. Counsel is not doing their job 'cause they are. And I think that they answered it in a letter and I just want to bring that up, you know, as we question this. So, it is happening, so.

MS. De MELLO: Yeah, I saw the letter.

COUNCILMEMBER SUGIMURA: Yeah.

MS. De MELLO: Yeah, and it is happening.

COUNCILMEMBER SUGIMURA: Yeah.

MS. De MELLO: And even more so now that I know the in-depth that I can contact Glenn and to follow up.

COUNCILMEMBER SUGIMURA: Yeah, very good.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: All right. Thank you, Member Sugimura. Mr. Sinenci?

COUNCILMEMBER SINENCI: Chair, yeah, just a question for clarification. So, Ms. De Mello, she would be...looks like her expiration date for the Liquor Control Adjudication Board is coming up. And then, so, she'll be if appointed today, she would be taking the outgoing member, is that correct?

MS. BAISA: Yes, yes.

CHAIR MOLINA: Miss...

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR MOLINA: Yeah, thank you. And typically, what will happen is well, the Council has well, the Commission member's term that Ms. De Mello will be replacing expires March 31st, and the replacement commissioner would come on board for the first meeting in April where he would be sworn in and everything else. And, Members, so, as with all nominees in your Granicus, there are the applications of all of our nominees. So, if you do have questions for our other two interviewees as well, you can review the applications. And as much as possible, confine your questions to not only related to the commission that they're applying for itself but also what's on their application about their background and so forth. Okay. Any other questions for Ms. De Mello before we excuse her? We'll recognize Committee Vice-Chair Rawlins-Fernandez followed by Councilmember Kama. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. De Mello.

MS. De MELLO: . . .*(inaudible)*. . .

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for coming today. I attended one of the audit meetings. It was actually the one in Kihei. And a lot of community members talked about preferential treatment and favoritism and it was cited in the audit. How do you plan to prevent that type of bad behavior from continuing to occur?

MS. De MELLO: Well, I don't like preferential treatment. If you're gonna give one, you give the other. And if you don't give that person then so be it, then you don't let it go. Everybody should be treated equally especially with the license. Alcohol is the biggest thing. It's bad in the community right now.

VICE-CHAIR RAWLINS-FERNANDEZ: One last question. So, the...like there is also comments about how some of the rules don't really make sense and for permits such as not allowing dancing at places that have liquor permits. What is your position on that?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. De MELLO: If they have a function and I don't know why, because if you have a wedding in an area and then of course, you know, it's gonna have dancing and everything, that they should apply for all the permits. And I didn't realize if you've applied for a function and you didn't apply for a cabaret, then you cannot have it. So, the Liquor Department should let them know on all the application that they need.

VICE-CHAIR RAWLINS-FERNANDEZ: So, like in one instance, there was a company that was fined where someone in a wheelchair kinda just moved his hands. Would you support fining an...a place for that kind of action?

MS. De MELLO: What was that? The wheelchair?

CHAIR MOLINA: Ms. Rawlins-Fernandez, can you clarify your question --

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR MOLINA: --for Ms. De Mello?

VICE-CHAIR RAWLINS-FERNANDEZ: There was an establishment where a gentleman who was in a wheelchair kinda moved his hands a little bit, and that establishment was then fined because that was considered dancing. Would you support that kind of...

MS. De MELLO: You know how long ago that was?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

MS. De MELLO: Because as far as I know, it didn't ever come forward to us because we're the one enforce the penalty.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Thank you.

CHAIR MOLINA: Okay. Thank you. Councilmember Kama?

COUNCILMEMBER KAMA: Good morning, Ms. De Mello, and thank you --

MS. De MELLO: Good morning.

COUNCILMEMBER KAMA: --very much for your years of service to the Liquor Adjudication Commission. And...but you had mentioned earlier that your desire was actually to serve on the Liquor Commission, not necessarily Adjudication. But you went there nonetheless, and then you waited and now you get to sit on the Liquor Commission. What was that desire about that made you want to sit on the Liquor Commission?

MS. De MELLO: When I sat on the first Adjudication, it gave me the urge to learn because we were the finers [sic]. I wanted to learn how they would issue out the license. So,

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

when I put in for the second time, I...it was already filled. And then of course, the third time it was filled. So, now I have an opportunity.

COUNCILMEMBER KAMA: So, I think my question is so, what was your motivation? What made you desire to want to do the job?

MS. De MELLO: I wanted to see...yeah, I wanted to see the companies that apply for their license, and if they know what the law requires and where it's gonna be and how they're gonna educate the...their employees.

COUNCILMEMBER KAMA: Thank you.

MS. De MELLO: You're welcome.

CHAIR MOLINA: Okay. Members, any other questions for Ms. De Mello before we excuse her from the podium? Seeing none, thank you very much for taking the time --

MS. De MELLO: Thank you.

CHAIR MOLINA: --Ms. De Mello --

MS. De MELLO: Thank you.

CHAIR MOLINA: --to share your thoughts with the Committee. Okay. Next to come up, I'd like to call upon Mr. Emmanuel Baltazar, who is the nominee to the Board of Variances and Appeals. And, Ms. Baisa, if you could give us a quick overview of Mr. Baltazar?

MS. BAISA: Yes, thank you very much, Chair. Mr. Baltazar is our nomination for the BVA, the Board of Variances and Appeals. And the work that they do I think is a good match for his skills, and he'll talk about that. He is a current employee of the ILWU, Maui division, and involved with so many community boards and committees, everything from ethnic things to religious things, to...he's everywhere. He's a...just a all-around volunteer. He also has a master of arts in education and a bachelor in elementary education. So, he not only has the training and the desire and a wonderful personality but he also has the education.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Good morning, Mr. Baltazar.

MR. BALTAZAR: Good morning --

CHAIR MOLINA: Good morning.

MR. BALTAZAR: --Mr. Committee Chair --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. And we...

MR. BALTAZAR: --respected and distinguished Members of the Council. A blessed and grateful morning to everyone. I'm Emmanuel Manny Baltazar. I'm here in your presence in front of you to ask for your approval for my nomination for the board and commissions for Variances and Appeals. As Ms. Baisa told us earlier that I have been involved with the community since I immigrated in Maui way back in 2006, until now, because way back home in the Philippines, my family is people and community-oriented, and most of us in the family are serving our community and our city as well. Being a former schoolteacher, public school principal, I know what is the essence of education to our community members. That's why when I came in Maui, I don't have any hesitant when they called me to serve the community and the church. I'll do it willingly with the innermost desire, commitment, passion to do it because I firmly believe to myself that I can make a big difference working with the community people and you, respected Members of the Council, being elected, because I firmly believe that the most serving people is the...in the righteous way and appropriate way is the best avenue to serve God, that's my maxim that I'm always keep in my heart. That's why when they asked me to serve this board and commission, I don't have any hesitant to do it. I served in the other boards and commission in Cost of Government for one year. I never finished the term because of my work schedule in Grand Wailea Resort and Spa. I take off from work just to attend the meeting. But because of some reasons, they will not allow me to come at the meeting, I voluntary asked with our Mayor Alan Arakawa, with Mike Molina, who is and then in charge of this, to resign because I cannot do my job with the...cause of my schedule. At this time in point, I'm now a full-time officer of the ILWU. This is a part of our life because ILWU is not just thinking about the members. We are thinking more about our community as a whole. I know that if you can take the consideration for me to be a nomination for this board and commission, I can work with you. The only thing that we have is we work as one family. We work with one hands and one hearts that we can say that we can make a good things that we can say that Maui is the best place to live and stay for our young people and the next generation to come. Thank you, Mr. Council...Mr. Chair.

CHAIR MOLINA: Okay. Thank you very much, Mr. Baltazar. And the Chair did request Mr. Baltazar's appearance this morning. And then you mentioned that in your opening remarks about formally serving on the Cost of Government Commission. And then of course, because of your previous employer, you were not able to attend the meetings and you did the right thing by resigning. So, basically, the Chair would just want a reaffirmation from you or an assuredness that you can attend these meetings because the Board of Variances and Appeals is a very important commission where you have to make some decisions when our citizens appeal the decisions made on them by our County directors. So, just briefly, what can you bring to the Board of Variances and Appeals?

MR. BALTAZAR: Okay. I'm new in this boards and commissions. It's a learning curve for me. If you have the willingness to learn, then by the mentorship of these people who

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

have been in the board and commission in the Variance and Appeal, we can work together.

CHAIR MOLINA: Okay. Thank you. And, Mr. Baltazar, I presume the Administration did give you a sampling of what you'll be doing on that --

MR. BALTAZAR: Yes, exactly.

CHAIR MOLINA: --board? Okay. Members, the floor is open for any questions for Mr. Baltazar. Are there any...

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Baltazar. So, I wanted to ask you, I noticed by your application that you applied for eight different boards or commissions, and this was your first choice. So, what makes this your first choice of all those?

MR. BALTAZAR: My...thank you, Council Chair. My first choice is because Variance and Appeals, I want to learn what are the things that's going on with this Variance and Appeals. What are the things that we can do to improve all these things. That's my point. Because when I applied in Cost and Government, first choice way back in is Variance and Appeals way back two years from now. So, I get it back again because I want a learning curve. I want a learning experience with Variance and Appeal.

COUNCILMEMBER KING: Okay. And then you feel confident that you'll be able to separate any interest of ILWU with the interest of the --

MR. BALTAZAR: Exactly.

COUNCILMEMBER KING: --County?

MR. BALTAZAR: Because I'm working as whole in the community.

COUNCILMEMBER KING: Okay. And then I just want to follow up on something the Chair said that the time commitment. Because you had a previous issue with time commitment, do you feel confident you'll be able to meet the time commitment --

MR. BALTAZAR: Yes.

COUNCILMEMBER KING: --with this one?

MR. BALTAZAR: Yes.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Has your schedule change or is it just...

MR. BALTAZAR: No, because I'm working already as a full-time in ILWU, not in the Grand Wailea Resort and Spa.

COUNCILMEMBER KING: Okay. So, you have a --

MR. BALTAZAR: Yeah.

COUNCILMEMBER KING: --different job than --

MR. BALTAZAR: Yes.

COUNCILMEMBER KING: --you had at the...at --

MR. BALTAZAR: Yeah.

COUNCILMEMBER KING: --previous. Okay.

MR. BALTAZAR: Thank you --

COUNCILMEMBER KING: All right. Thank you.

MR. BALTAZAR: --Madam Chair.

CHAIR MOLINA: Okay. Thank you Chairman King. Committee Members, any other questions for Mr. Baltazar? Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Baltazar --

MR. BALTAZAR: Yes.

COUNCILMEMBER PALTIN: --for coming today and for your willingness to serve the community. I just had a question. It's my understanding that the Board of Variances and Appeals grants exception to the County Code in the Public Works and Planning Departments. And I was wondering like how you would base your decisions on when we should grant exceptions to the County Code?

MR. BALTAZAR: Okay. Thank you, Councilmember Paltin. I'll take a look on it, detailed study in everything that come to the table should have to do it. You cannot just make instant decision on it. So, I will study part of it, all these things by working hand-in-hand with the other commissioners so that we can make the best decision for that thing. Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER PALTIN: And do you plan to, once you make the decisions, have consistency so that it is, you know, fair for everybody, get the same opportunities and challenges? Just wondering.

MR. BALTAZAR: Okay. I'm serving the community and the church. I want to treat equally, fairly everything.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay.

MR. BALTAZAR: Thank you --

CHAIR MOLINA: Thank you, Councilmember.

MR. BALTAZAR: --Councilmember.

CHAIR MOLINA: Any other questions for Mr. Baltazar before I excuse him from the podium? Seeing none, thank you very much, Mr. Baltazar, for --

MR. BALTAZAR: Thank you, Mr. Chair.

CHAIR MOLINA: --taking time to be here.

MR. BALTAZAR: God bless us all.

CHAIR MOLINA: Thank you. And our final nominee that the Chair asked to make an appearance before the Committee, we'd like to call upon Ms. Geraldine Lewis, who's a nominee for the Ethics Board. And as Ms. Lewis makes her way to the podium, I'd like to ask Ms. Baisa to give us a brief overview.

MS. BAISA: Thank you very much, Chair. I'm very delighted to introduce you to Ms. Lewis. I have...this was a cold call when I called her, never heard or knew her before, never had the opportunity to speak with her but she was very clear on her application that her first wish was Board of Ethics. And after a few minutes on the phone with her, I was convinced that she was the right person. She has a wonderful attitude about wanting to serve the community, wanting to learn, wanting to help. And she gives the citizen-perspective on things. And I think it's very important for the Board of Ethics that we have regular citizen opinions, and she's very enthusiastic, has committed. You know, I made everybody practically swear that they would show up because I'm so concerned about attendance. And she's very enthusiastic and showed up today, kind of at a last-minute please come. And so, I can see that she's very dedicated. She is...has...is a active volunteer with the Seabury Hall Parent-Teacher Organization, and has worked in multiple PTA things, and has a desire to serve. And I really feel good about Mayor's nomination.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Good morning, Ms. Lewis. Please give the --

MS. LEWIS: Good morning.

CHAIR MOLINA: --Committee a brief overview of your intentions of wanting to serve on the Ethics Board.

MS. LEWIS: Thank you. Good morning. My name is Gery Lewis, or Geraldine Lewis. I've lived here on this island for over 20 years. I was born and raised in New York, and educated in the East Coast. I'm currently a business owner, small business owner. I work as a Kumon instructor, teaching math and reading to students on the island. I service about 50 families right now. I'm also a substitute teacher with the Department of Education, and I've been a substitute teacher for about 11 years. The reason why I applied for the board was to again, I believed it was an excellent opportunity for me to be in the government and serve for the community. I am dedicated. I'm very dedicated to my children but I am dedicated to the community as well. So, here I am. Thank you.

CHAIR MOLINA: Okay. Thank you very much. Ms. Lewis. So, all the way from the East Coast. Is that New York City or --

MS. LEWIS: Upstate --

CHAIR MOLINA: --other parts of the state?

MS. LEWIS: --New York, Syracuse --

CHAIR MOLINA: Okay.

MS. LEWIS: --New York.

CHAIR MOLINA: Oh, fantastic.

MS. LEWIS: Yeah.

CHAIR MOLINA: I'm sure it's nice and warm out there right now.

MS. LEWIS: Very warm.

CHAIR MOLINA: And thank you for appearing here --

MS. LEWIS: Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --before us. The Chair did request your appearance because you're being considered for a board that has subpoena powers. So, quite powerful. This Board typically will review financial disclosures of all County officers aka elected officials, directors, and so forth. You'll be one of nine decision-makers that will have to make some important calls. And it's...this commission typically gets in the news a lot especially around election time and other matters that are possibly related to conflicts of interest and so forth. So, you mentioned your...and appreciate your involvement in education and your small business, so, your time commitment shouldn't be a problem?

MS. LEWIS: Not a problem at all.

CHAIR MOLINA: Okay. Very good. All right. I shall turn matters over to the Committee for any questions. Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. You actually answered the first question I was gonna ask.

CHAIR MOLINA: Sorry. . . .*(inaudible)*. . . --

COUNCILMEMBER KING: What you --

CHAIR MOLINA: --stealing your questions.

COUNCILMEMBER KING: --when you told about what this board is about but --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --you have a good explanation about what it is about. So, thank you for being here. And I just...I wanted to follow up with why this particular opportunity? Well, because you had five different boards and commissions on here and why Board of Ethics was your first choice?

MS. LEWIS: Honestly, when I applied for this application I think it was during the election, the major election in the presidency. So, I felt that ethics was such a strong important...Board of Ethics would be a very strong important place for me so I can give a citizen's perspective. I think...I was thinking about this last night and these questions that you were possibly gonna answer *[sic]*, and it always comes back to the children, and I always feel that I have to come up here and represent these children, my daughter, her classmates. So, I feel that my experience working in the financial business, in the education business, in the retail business, I think that I can give a really educational approach to and decisions that...unbiased decisions to what will be coming to me.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Okay. And you feel equipped to handle the potential legal pressures of those kinds of decisions?

MS. LEWIS: I believe so, yes.

COUNCILMEMBER KING: Okay. Thank you.

MS. LEWIS: Thank you.

CHAIR MOLINA: Thank you, Council Chair. Committee Members, any other questions for Ms. Lewis before the Chair excuse her? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Lewis.

MS. LEWIS: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for joining us today and mahalo for your willingness to serve our community. Have you familiarized yourself with the jobs and the duties and responsibilities --

MS. LEWIS: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --described in the Charter?

MS. LEWIS: As much as I can, yes. Again, that's a lot of research and education. And so, yes, I have. I have looked on it, you know, did my due diligence 'til today. And so, I believe I am prepared. Again, it's all about education and learning. So, I believe I can just give that unbiased decision when needed on the committee [sic], yes.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair.

CHAIR MOLINA: All right.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Ms. Lewis.

MS. LEWIS: Thank you.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez.

MS. LEWIS: Thank you.

CHAIR MOLINA: Committee Members, any other questions for Ms. Lewis? Seeing none, thank you very much, Ms. Lewis, we appreciate...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. LEWIS: Thank you.

CHAIR MOLINA: Oh, I'm sorry, Councilmember Hokama?

COUNCILMEMBER HOKAMA: Thank you very much.

MS. LEWIS: Good morning.

COUNCILMEMBER HOKAMA: You gave a very candid open response, and I appreciate that. But most things that's gonna come before you is gonna be biased. Most of the...half of the cases that's gonna come before is those that have chose to break the law and now coming in by advice to get a variance to make it legal. Okay. They've already done the illegal act. Your decision is to make that act legal. So, any comments about that?

MS. LEWIS: Again, it's all on education and I have to educate myself on that. So...

COUNCILMEMBER HOKAMA: So, where does the kid come...kids come into play?

MS. LEWIS: Well, I always believe that I have to be a incredible role model to my kids, and that's having good morals.

COUNCILMEMBER KING: Chair, yeah, point of order. I think --

COUNCILMEMBER HOKAMA: I'm sorry.

COUNCILMEMBER KING: --we're --

COUNCILMEMBER HOKAMA: Yeah, yeah.

COUNCILMEMBER KING: --confused on the...this is the Board --

COUNCILMEMBER HOKAMA: Correct.

COUNCILMEMBER KING: --of Ethics that we're talking about.

COUNCILMEMBER HOKAMA: I apologize on that, Chair.

CHAIR MOLINA: No problem, Mr. Hokama.

COUNCILMEMBER HOKAMA: But on ethics though, you're gonna have to make a decision on whether or not there's potential conflict more than likely.

MS. LEWIS: Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER HOKAMA: Yeah. Do you see it as a grey thing or do you see it as simple black and white on ethics?

MS. LEWIS: Ethics is code of conduct. So, it is black and white. It is.

COUNCILMEMBER HOKAMA: I like that answer. 'Cause I don't have too much grey in my world either. Thank you, Chairman.

CHAIR MOLINA: Thank you, Mr. Hokama. Committee Members, any other questions? Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you for your willingness to serve and for being here today. And I just was wondering, you know, like how Chair Molina had stated, this is a pretty high-profile board to start off on, and did you ever think about learning on a board that wasn't so high-profile first?

MS. LEWIS: Yes. But I put the Board of Ethics first because that...at that time was what I really truly believe that I can be of service to the community.

COUNCILMEMBER PALTIN: What other boards and commissions had interested you as well?

MS. LEWIS: So, maybe Ms. Baisa can refresh my memory since it's been a couple years ago that I applied.

MS. BAISA: Mr. Chair?

CHAIR MOLINA: Go ahead, Ms. Baisa.

MS. BAISA: Thank you very much, Chair. She also had considered the Commission on Children and Youth --

MS. LEWIS: Yes.

MS. BAISA: --which is a good fit --

MS. LEWIS: Yes.

MS. BAISA: --as you can see --

MS. LEWIS: Yes.

MS. BAISA: --from her answers, and Committee on the Status of Women.

MS. LEWIS: Yes.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. BAISA: But obviously, she wanted the Board of Ethics. And after lengthy conversations, we had several, I felt that she was a really good fit. Thank you.

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you.

CHAIR MOLINA: Thank you, Member Paltin.

MS. LEWIS: Thank you.

CHAIR MOLINA: Clare wanted to...Chair wanted to add also in addition to the Committee's...it's on her second document, which is by, you know, it should be all in your Granicus, it should be made available to you, she also considered Maui Redevelopment Agency, as well as the Public Works Commission. But she is correct in stating the Board of Ethics was --

MS. LEWIS: Yes.

CHAIR MOLINA: --her first choice.

MS. LEWIS: Thank you.

CHAIR MOLINA: Members, any other questions for Ms. Lewis before we excuse her? Seeing none...

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: Oh, sorry, Councilmember Kama?

COUNCILMEMBER KAMA: Ms. Lewis, do you feel confident in your abilities to serve?

MS. LEWIS: Yes.

COUNCILMEMBER KAMA: Thank you.

MS. LEWIS: Thank you.

CHAIR MOLINA: Okay. Simple and straightforward. Very good answer. All right. Okay. Seeing no other questions, Ms. Lewis, thank you for taking the time --

MS. LEWIS: Thank you.

CHAIR MOLINA: --to share your thoughts --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. LEWIS: Thank you --

CHAIR MOLINA: --with regards --

MS. LEWIS: --very much.

CHAIR MOLINA: --to your nomination.

MS. LEWIS: Thank you.

CHAIR MOLINA: Okay. Members, let's get down to business here. Chair first of all, would like to recognize Council Chair King. She had a question for Ms. Baisa with regards to the process. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, thank you for being here, Gladys, and I appreciate your efforts to try to balance out these boards and commissions because some of them are still very unbalanced gender-wise and geographically. And so, one of the, I mean I'd call it a campaign promise that we had heard over the last year was to create...the Mayor wanted to create a...we called it a blue-ribbon committee several years ago when the previous Mayor did it. And that was...I was on that committee, the...it was volunteer committee that was...looked at all of the applications. And actually, we didn't just receive applications, we went out and recruited when we were trying to get that balance. So, do you know if there's any effort to do that to create that same model or at least create some way to go out and solicit for not only more balance in the boards and commissions but also new blood? Because a lot of these tend to be people who have served on boards and commissions. They come off one, they go on another, and then people who are applying kinda get pushed to the side. So, can you just speak to that process a little bit?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Thank you, Chair. And thank you, Chair King. Definitely. Unfortunately, and I tried to explain this in my opening remarks and I probably didn't do a good job, but we were really under the gun. You know, I got into this position and I was immediately given a pile of paper, and also told that I had a deadline. And I discovered that, you know, you figure, well, I can make 40 phone calls fairly quickly. But it doesn't work that way --

COUNCILMEMBER KING: Right.

MS. BAISA: --because, you know, you get on the phone and people don't answer. I had one person who I talked...I left a message on the 22nd, and she called me four weeks later, a little too late to make the cut. But, you know, it's not that simple. Also, as you talk to them, you find out that there may be issues or they may have changed their mind

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

or, you know, they have work issues or whatever. So, it's a lot of back and forth, and they call, and you miss them, and you do call them and they don't come back or whatever. They may even be missing something on their application that has to be fixed. And so, it's a little time-consuming process. So, my effort was let's get the best people we can to meet this mass deadline. As we go forward, I will have more time and I can work more with the Mayor on this idea of maybe I...if he mentioned it, I'm sure that's something he wants me to follow up on. But I haven't had a chance to discuss it with him. But as I told you, I'm taking this responsibility very, very seriously like I take everything I do because these boards and commissions have much power in our community, and a lot of what happens depends on them meeting and making good decisions. You can't do that if nobody's there or if nobody gets ready for the meeting. It's so difficult when people are not prepared. So, it's two ways. Staffing will have to make sure they have the right materials on time and that we have enough lead time. At the moment, I'm working on about eight other new commissioners to recommend that we've had vacancies or people are gonna leave or they've left the County, or all these things that I'm working on. So, it never stops. I see it as a circular process. So, I will, as soon as the Mayor can...I can get some time with him, he's been very busy too and out of town. I plan to sit with him and let's plan to do some something better. I wanna make it better.

COUNCILMEMBER KING: Okay. Well, I appreciate your efforts. And I know you...I can see you sitting there with a pile of papers in front of you and trying to make phone calls. But I do think it's important to also try and encourage new blood in some of these boards and commissions. And I...there are people in the community who have --

MS. BAISA: Yes.

COUNCILMEMBER KING: --been applying over and over again, and don't get considered. So, just appreciate if you would, you know, start looking at that. And I've asked before, and I don't know if this Mayor is going to give it to us because the last one wasn't, for a list of applicants so we can see how many people are applying for these various positions. Because I have gotten complaints in the community about, you know, people who've applied five times to be on the Planning Commission and never get considered. So, just something to keep in mind going forward.

MS. BAISA: Yes, thank you very much.

COUNCILMEMBER KING: Okay.

MS. BAISA: I will.

COUNCILMEMBER KING: Thank you.

MS. BAISA: I'm open to all suggestions. And if anybody knows a good person who you want on a commission, let me know, I'll chase them down.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. All right. Thank you very much, Ms. Baisa. Members, any other questions for Ms. Baisa as it relates to the process? Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Baisa. When you were talking, the two words that stuck out in my mind the most was training and attendance. And I was wondering first of all on attendance, is there any like a policy of three absences or anything like that?

CHAIR MOLINA: Good question, Councilmember. Ms. Baisa?

MS. BAISA: I'm going to let the person who knows more about this than me answer because he has dealt with this. But there are attendance requirements and there is a process. But I think Chair could help us. It would be more definitive. Again, I'm in learning mode.

CHAIR MOLINA: Yeah. Oh, thank you, Member Baisa. And, Ms. Paltin, I guess it varies from Administration to Administration what their policy is. The former Administration, we operated on a, I guess a three strikes if you're out. If we get reports from the committee that someone's not showing up, we go out and call the member, ask them what the problem is, then if they assure us they can come back to the, you know, attend meetings, then that's fine. Then again if there's another complaint, then the Mayor or the Administration would send that member a warning letter. And if the behavior continues, then the process will be either to ask the member to resign. And if the member refuses to resign, then we will bring it to Council. The Council has the final authority in removing a member from a board or commission if that member so chooses not to resign. Now, how Mayor Victorino operates with that, with his own personal policy, that's, you know, up to him. So, he may model it after what Mayor Arakawa did or he may not. So, it varies from Administration to Administration.

COUNCILMEMBER PALTIN: Do you have any idea like, you know, through no fault of their own like they have an illness or extended like some kind of a accident, what is the policy if they know for health reasons or personal or family reasons that they'll be out for an extended period of time? Is there like, kind of like an at-will quality to that type of situation?

MS. BAISA: Chair?

CHAIR MOLINA: Okay. I'll throw my thoughts into that. We've had some members who've had health issues. So, it varies. Some folks have told us that they can return. And again, it's the call of the Mayor, if he or she wants that person to return. If a person has a health matter that will be long-term, we encourage that person to resign. And

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

when that person's health gets better, then the Mayor can consider that person for either the same commission at a later point or another commission, so. And there are always exceptions. Now if a person is being derelict with their duties just not wanting to show up, we've approached this Council in the past to remove that person, so.

COUNCILMEMBER PALTIN: Thank you. And I was wondering if you could also explain the training processes for new appointees that haven't served on boards and commissions before the standard procedures of what they'll be given training on?

MS. BAISA: Having been a commissioner myself, I do know that there is training and orientation for new commissioners. And that Corp. Counsel does also help to train so that they know the limits and the requirements of being on the commission and what you can and cannot do, and there are manuals. I'm going to make sure to follow up to make sure that all of the new commissioners get that training. I, yesterday, requested a list of all the chairs so that I can communicate with all of them. And like I said, I'm just gonna stay on them. Thank you.

COUNCILMEMBER PALTIN: Thank you, Ms. Baisa, for your diligence.

CHAIR MOLINA: Yeah, thank you very, Councilmember Paltin. And for all the boards and commissions whichever department oversees them, they do provide an orientation much like what we had here at...from Council Services, and Corporation Counsel educating us on Sunshine Law and parliamentary procedures. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I think you kinda said what I was gonna say. But I just wanna also add that I can see where all your years of MEO and importance of having your board show up and selection of the board and the diversity and understanding why it's important. I can see all the...your years of experience flowing into this, you taking on this position to do the boards and commissions, appreciate it. I think the follow-up is gonna be critical like what Mr. Molina used to do.

MS. BAISA: Chair?

CHAIR MOLINA: Okay. All right. Thank you very much. Ms. Baisa, you want...like to respond --

MS. BAISA: Yes.

CHAIR MOLINA: --to that?

MS. BAISA: Yes. Thank you, Councilmember Sugimura. I see the boards and commissions very similar to the board that I...at MEO. It was an all-volunteer board, and we had to be...at MEO, the constitution of the board is legal. It's Federal law how that board is constituted. So, not just anybody can sit on the MEO board. But the idea of choosing, mentoring, training, appreciating and informing them of everything, you

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

know, the more the board knows, the more effective it can be. And so, that's really important. And I wanna work with the chairs to make sure that they understand their role as chair. It's a big role. And so, I'm very used to doing board training. As you know, I think I trained over 80 agencies. So, I'll just transfer this to boards and commissions.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa and Councilmember Sugimura. All right, at this point, Chair would like to address the...oh, I'm sorry, Councilmember Kama?

COUNCILMEMBER KAMA: So, I just have a real hopefully easy question. So, Ms. Baisa, you said that you went through 268 applications, and we ended up with just these 34 appointees. So, are there any other vacancies? Are there more vacancies? 'Cause I see some of the committees have one name, some have two, some have four. So, that tells me that we're trying to fill up commissions with maybe nine people each. And so, how...I mean where are we? Are we...do we have enough people? Do we not have enough people? How many more people do we need so that we have a board and commissions that's fully loaded and ready to rock and roll this community? Because my sense is that if you want to get community engagement, this is it, it's at your boards and commissions. So, I wanna be able to allow our people to come 'cause that's were transparency begins, right? You don't know what's going on when you're outside looking in. But when you get inside, then you get to see a different perspective, and therefore, it helps you to understand --

MS. BAISA: Yes.

COUNCILMEMBER KAMA: --where the County is. So, where are we in that and what can we do to continue to keep our people engaged? And when it comes to our neighbor island people and the fact that sometimes by the time the plane leave, it's too late, they gotta go back. How do we help them not to allow that to happen so much that they miss those meetings?

CHAIR MOLINA: Okay. Ms. Baisa, would you like an attempt --

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: --that very loaded question?

COUNCILMEMBER KAMA: I'm sorry.

MS. BAISA: Well, I'm living it. So --

COUNCILMEMBER KAMA: Yes.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. BAISA: --it's easy for me to share with you what I'm going through. Of course, we met the deadline and I got all these applications in. And so then I started working on the fact that as we were filling, people are leaving, people are not showing up, people moving to the mainland, or taking on new...I had one who had to resign because their parents are at the age now where they need a lot of help. And unfortunately, this opening was on Molokai. And in some of the commissions, it's very specific. Like in the case of...I have an opening now on the Molokai...on the Liquor Commission but it has to be a Molokai person. So, I work very hard and use every contact I have because we didn't have an application and identified somebody. And I was so happy to send them all the information and details about what that's in...and after she got it, this morning I got a thing, I'm sorry I can't, I just can't do this, it's too big a job. So, you know, you have to keep on. And so, I encourage all of you who have suggestions to please give them to me because I will call them and I'll try to get somebody who's interested. It is not that easy especially to fill the neighbor island commissions. But on Maui, we are pretty well set. We have people who did not get appointed who would make good substitutes. And I think we should actively ask people to send in applications who might be interested so that we still have a pool at anytime that we have a vacancy. So, yes, we have about I think I'm working on eight vacancies right now. And most of them if anybody knows, I need engineers. It seems like the problem I had at the Water Department has followed me to the Mayor's Office, trying to find engineers. We know they're extremely busy and they don't have a whole lot of time. So, if anybody knows any engineers who would like to serve. And, you know, these commissions, some of them are very specific like they'll ask for a civil engineer or they'll ask for a land architect or, you know, some kind of very specific person. And then it becomes difficult to find. But we do have a network and a lot of, you know, me, I'll ask anybody, I'm not afraid to say I need help and you get it done. So, I think we're gonna be okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: And, Member Kama, Chair would just like to add also every year there's a mass vacancy matter that the Council has to address. Typically, on most of our boards and commissions, you'll have at least one to two, three or four people whose terms are expiring. So, everybody is on staggered terms. So, that's what we have to address. The Mayor basically has 30 days to get in the names of his nominees not only for this time of year but also any other time there's a vacancy. If the Mayor does not meet the 30-day deadline, then the Council assumes authority and we have 60 days to replace any of these members who were...who have vacated those positions. Now, I saw a couple of hands go up.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER HOKAMA: Point of order.

CHAIR MOLINA: Yes, sir. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, you've been in my perspective very gracious on the parameter. My reading of this agenda is very narrow. It's about specific names for specific boards and commission. This is not a general subject matter to just go around the whole process of nominations. This is for us to either up or down a specific nomination for a specific board. So, I would ask if you would take that into your consideration of our discussion.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Chair will take your point, certainly. And again, it was just...I allowed for it just to help educate some of the Members as to how the process works. But Chair will try to keep it a little bit tighter. So, again, Members, if we can keep our focus on the names, if you have any questions about the names with regards to the various boards and commissions that are being considered for. And I believe we've exhausted Ms. Baisa with questions about the process. If you have any further questions about the process, I can do it as a Chair under the Committee, under my signature for this Committee, or you can do it individually out of your offices if you have questions about the process and so forth. So, again, my apologies to Mr. Hokama. It was the Chair's intent to allow for a little bit of leeway so the Members get an understanding with the process as it relates to the selection of the nominees. So, we'll move forward from that. I believe we had no...okay, you withdraw your question, Ms. Rawlins-Fernandez. Chair King, do you have any...

COUNCILMEMBER KING: Yeah, I have question about...but it's about the process. So, I'll ask you to...after I'll talk with you directly and maybe you can send a communication.

CHAIR MOLINA: Okay. Thank you. And the Chair appreciates that. All right, Members, let's get to our agenda item. I will ask Staff Analyst, Ms. Espeleta, to read into the record the names and the boards and commissions, all of the nominees are being considered for. So, if you would like to follow along on your agenda this morning, Members. Ms. Espeleta, please proceed.

MS. ESPELETA: Mr. Chair, except as...I just wanna say except as otherwise noted, the terms of these appointments will be from April 1, 2019, for a five-year term ending on March 31, 2024. So, for your first board, to the Affirmative Action Advisory Council, Michael Gurat; to the Board of Ethics, Geraldine Lewis; to the Board of Variances and Appeals, Emmanuel Baltazar; to the Board of Water Supply, nominees Yarrow Flower, Hanna Mounce, and Buddy James Nobriga; to the Civil Service Commission, Blake Takayama; to the Maui County Commission on Persons with Disabilities, Joseph D'Alessandro and Evalina "Nani" Watanabe; to the Cost of Government Commission, Bonnie De Rose, reappointment; Paula Heiskell, reappointment; Barbara Matson, reappointment; Brenda "Michelle" Del Rosario, and Sara Simmons; to the...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Ms. Espeleta, if I could stop you for a second, Members, you do note that Ms. Espeleta skipped number seven on the Committee on the Status of Women. Why she did that, there was no need for the Administration to submit that as an agenda item. The Mayor makes the call on that. The Council has no decision-making on that. At a later point, we'll take action on filing this communication. Okay. So, just wanted to make that note. Ms. Espeleta, please continue.

MS. ESPELETA: To the Council on Aging, Debra Cabebe; to the Fire and Public Safety Commission, Dwight Burns and Lisa Vares; to the Liquor Control Adjudication Board, Allan Almeida; to the Liquor Control Commission, Jerrybeth De Mello; to the Maui County Cultural Resources Commission, Thomas Cannon, architect; and Daniel Kanahele, Hawaiian culture/ethnic history; to the Maui Planning Commission, Kellie Pali, reappointment; to the Molokai Planning Commission, Laakea Poepeoe, reappointment; he is also being designated as the Native Hawaiian traditional and customary practices expert; Julie-Ann Bicoy, and Bridget Mowat; to the Police Commission, Matthew Mano; to the Public Works Commission, Brooks Aoki, engineer, from alternate member to regular member; Harry Hecht, engineer, from alternate member to regular member; and Luana Kawaa, Hawaiian language. Mr. Aoki and Mr. Hecht will each continue their current term expiring on March 31, 2021. Ms. Kawaa's term will begin on April 1, 2019, and expire on March 31, 2024; to the Real Property Tax Review Board, Thomas Croly; and to the Salary Commission, Scott Parker and Stanford Lanias.

CHAIR MOLINA: All right. Thank you very much, Ms. Espeleta. Those names have been read into the record. First of all, the Chair would like to take action initially on the appointment of members to the Committee on the Status of Women for reasons that I previously stated. And so, what will be under consideration, the Chair would like a motion to file the resolution entitled Appointment of Members to the Committee on the Status of Women for the County of Maui.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Member Sugimura, seconded by Member Lee. Is there any discussion on the filing? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, this is basically because this is a State commission, and that the Statute that establishes it just allows the Mayor to make appointments? Is that correct understanding of the Committee?

CHAIR MOLINA: Correct. And also the Mayor is only required to notify the Council in writing of who he appoints to the Commission.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

So, Staff, please make a note of that for separate discussion just more for informational purposes. Mr. Hokama?

COUNCILMEMBER HOKAMA: Number 19, Chairman, separation.

CHAIR MOLINA: Okay. Number 19, which --

COUNCILMEMBER HOKAMA: Salary.

CHAIR MOLINA: --is the Salary Commission for both nominees, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yes, Chairman.

CHAIR MOLINA: Okay. Staff, make note of that. Any other request? Thus far, we have a nominee for the Cost of Government and the two nominees for Salary Commission for separate discussion and votes. Going once, going twice, I know --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --you've had some time to review.

COUNCILMEMBER KING: Yeah, so --

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: --I don't have any particular issues with any particular commission but I did have questions for, you know, regarding the reappointments, because you have a lot of reappointments. So, I don't know if that's considered part of the process that you don't want me to ask about or, you know, if I'm able to ask that in the discussion about all the nominees we're lumping together.

CHAIR MOLINA: Do you have any one in particular you have a --

COUNCILMEMBER KING: No --

CHAIR MOLINA: --question?

COUNCILMEMBER KING: --I just have concerns about, you know, just we have a lot of reappointments to the Planning Commission, to the Cost of Government Commission. You know, there's one, two, three reappointments. So, I just wanted to ask a question of...

CHAIR MOLINA: Administration?

COUNCILMEMBER KING: Right.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: All right. Members, any objections to question asked of Administration with regards to the reappointments on the agenda in general? So, Ms. Baisa, if you could just provide a broad analysis of the reappointments as it relates to Council Chair --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --King's question?

COUNCILMEMBER KING: Yeah, and basically, my question is, you know, if --

MS. BAISA: I understand.

COUNCILMEMBER KING: --we have a lot other applicants or if we don't have applicants, and what the plan is to reach out just so we can get, you know, circulating new blood in.

MS. BAISA: I...Mr. Chair?

CHAIR MOLINA: Proceed --

MS. BAISA: Thank you.

CHAIR MOLINA: --Ms. Baisa.

MS. BAISA: Chair King, I definitely understand your question, and it was in my mind the whole time because I know that we are trying to get new people involved. And, you know, we have some commissioners that go from commission to commission or they stay for a long time. And so, in every case where we have a reappointment, in the case of every single one of 'em, they were reappointed because they are really needed on that commission, and we are in the middle of some kind of business that they're working on. Let's take for instance, Cost of Government, we're losing the chair of the Cost of Government Commission who has been outstanding. And these people we really need some core there who can carry on the business. It's a very complicated Commission. And I have to tell you that a lot of people that I called that I wanted to ask refused it. And the answer was they work too hard. 'Cause people have watched them on TV and they've seen, you know, what they go through. And so, really, in order to get a full commission, I work very hard to get --

COUNCILMEMBER KING: Okay.

MS. BAISA: --the reappointments and the new person.

COUNCILMEMBER KING: Okay. Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. Thank you, Chair --

COUNCILMEMBER KING: Appreciate --

CHAIR MOLINA: --King.

COUNCILMEMBER KING: --that.

CHAIR MOLINA: Members, any other request for separation? Councilmember Paltin, followed by Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Oh, sorry.

COUNCILMEMBER PALTIN: For Cost of Government Commission, Bonnie De Rose.

CHAIR MOLINA: Bonnie De Rose. Okay. Staff, make note of that. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Oh, thanks. Question.

CHAIR MOLINA: Go ahead. Question?

COUNCILMEMBER SUGIMURA: So, what about the Urban Design and Review Board? I know there's no deadline. You don't wanna take it up the same way --

CHAIR MOLINA: No --

COUNCILMEMBER SUGIMURA: --you took the Status...

CHAIR MOLINA: --the Chair made a decision with the boards and commissions that have no deadline. We'll take it up at a future meeting.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: Okay. Thank you. Any other request for separation?

COUNCILMEMBER KING: Oh --

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: --Chair?

CHAIR MOLINA: Yeah, I just had some questions for Mr. Croly on the Boards of Variances and Appeals.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Okay. He doesn't appear in the gallery. I don't see Mr. Croly back from his other engagement. Well, Chair King, you have the option if he doesn't return, Members, you are privy to the confidential document that has all of our nominees' contact information. So, you can ask --

MS. BAISA: Chair?

CHAIR MOLINA: --make a contact with the nominee in...as far as --

MS. BAISA: Chair?

CHAIR MOLINA: --that option. Ms. Baisa?

MS. BAISA: Mr. Croly texted and said that if we need him, he's available. All we have to do is call him.

CHAIR MOLINA: Okay. At this point, the Chair is not interested in waiting. I'd like to --

MS. BAISA: Okay.

CHAIR MOLINA: --proceed with matters. So, you know, if he's here, I would hope that he would have been here sooner but we'll see what happens here. And depending...we'll see how far we progress. Any other request for separation?

COUNCILMEMBER SINENCI: Chair? Just a --

CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER SINENCI: --question. If we had any applicants that was from our district, would this be a time to promote them during this procedures?

CHAIR MOLINA: You could during the motion phase. Now, if you're not...so, you're not requesting a separation of any of the nominees that come from your district, Mr. Sinenci, just so I can understand your question?

COUNCILMEMBER SINENCI: Yeah, it would be for one of the commissions. So, should I ask to separate the commission?

CHAIR MOLINA: I'll leave that to you. You can and if you --

COUNCILMEMBER SINENCI: Okay.

CHAIR MOLINA: --want a --

COUNCILMEMBER SINENCI: The...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --separate discussion.

COUNCILMEMBER SINENCI: Yes, the Maui Planning Commission.

CHAIR MOLINA: Okay. Maui Planning Commission.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Maui Planning Commission nominee. Okay. Okay. Any other request for separation before the Chair makes a recommendation on the rest of the nominees for our various boards and commissions? Ms. Lee?

COUNCILMEMBER LEE: Just for clarification, I'm hoping that Councilmember Sinenci doesn't think we can substitute our suggestions, you know, just to make that clear.

CHAIR MOLINA: Sure. Mr. --

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: --Sinenci, is that your...so, your intent to separate the Planning Commission nominee, which is Kellie Pali, are you...want...is that still your request to have a separate discussion on this individual and then have a separate vote?

COUNCILMEMBER SINENCI: Well, part of it was just to look at the reappointment.

CHAIR MOLINA: Okay, of Ms. Pali?

COUNCILMEMBER SINENCI: Yeah.

CHAIR MOLINA: Okay. And I know she's not from the Hana area. But if you still would like to proceed with that?

COUNCILMEMBER SINENCI: Yes.

CHAIR MOLINA: Okay. All right. Chair will recognize that. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, could you, before we take action, I guess read off who you separated out --

CHAIR MOLINA: Yes, we --

COUNCILMEMBER SUGIMURA: --so we can --

CHAIR MOLINA: --will do that.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER SUGIMURA: --be clear --

CHAIR MOLINA: And...

COUNCILMEMBER SUGIMURA: --about what we're voting --

CHAIR MOLINA: Chair is aware.

COUNCILMEMBER SUGIMURA: --about.

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: You had a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo --

CHAIR MOLINA: Separation?

VICE-CHAIR RAWLINS-FERNANDEZ: --Chair. Yeah, so, was Thomas Croly separated out?

CHAIR MOLINA: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR MOLINA: You...would you like Mr. Croly --

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. King --

CHAIR MOLINA: --separated?

VICE-CHAIR RAWLINS-FERNANDEZ: --would like.

MS. BAISA: Chair?

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Yeah. And...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay.

MS. BAISA: Chair --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

MS. BAISA: --he's on his way up.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And then Board of Water Supply.

CHAIR MOLINA: You want all nominees --

VICE-CHAIR RAWLINS-FERNANDEZ: Yarrow --

CHAIR MOLINA: --of Board of Water Supply?

VICE-CHAIR RAWLINS-FERNANDEZ: --Flower.

CHAIR MOLINA: Yarrow Flower. Okay. Board of Water Supply.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR MOLINA: Okay. Anyone else, Members? Okay. Seeing none, Staff, if you are ready, prepare to again state for the record, which nominees and their respective boards and commissions are being requested for separation.

MS. ESPELETA: Thank you, Mr. Chair. A request for separation has been made for the Board of Water Supply for nominee Yarrow Flower; for the Cost of Government Commission for Michelle Del Rosario...Brenda "Michelle" Del Rosario and Bonnie De Rose; for the Maui Planning Commission, Kellie Pali, reappointment; for the Real Property Tax Review Board, Thomas Croly; for the Salary Commission, both nominees, Scott Parker and Stanford Lantias.

CHAIR MOLINA: Okay. Are we okay, Members? I believe those are the request for separation?

UNIDENTIFIED SPEAKER: Yes.

CHAIR MOLINA: All right. Okay. With that being said, the Chair will then make a recommendation initially to approve all of the nominees that have not been separated.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

So, that is the Chair's recommendation. And I believe this will also include the...allowing Staff to make any nonsubstantive changes and --

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: --as well as any...this is the...on...to be placed on the resolution to approve. Am I correct, Ms. Espeleta? Okay. All right.

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: So, it's been moved by Member Sugimura.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: And second. Okay. Any discussion on the nominees that have not been requested for separation prior to the Chair calling for the vote? Ms. Paltin?

COUNCILMEMBER PALTIN: I think I need a point of information.

CHAIR MOLINA: Proceed.

COUNCILMEMBER PALTIN: Are we gonna vote on each name or as a group?

CHAIR MOLINA: No, what this is, Member Paltin, is a blanket motion to cover all of the nominees that have not been requested for a separate vote. So, basically, the Chair is recommending approval of all the nominees who have not been requested for separate vote. That's what we'll be voting on. Now, all the people who have been requested for separation, we will do that individually for a separate discussion and vote. So, yeah, that's what we're doing here. So, for the sake of expediency and did you have someone in mind that you...

COUNCILMEMBER PALTIN: Yeah, can I make a couple more separations? I'm very sorry.

CHAIR MOLINA: Members, any objections to Member Paltin's request?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Proceed with your request for separation, Ms. Paltin.

COUNCILMEMBER PALTIN: Cost of Government, Sarah Simmons.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Cultural Resources, Thomas Cannon.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Maui Redevelopment Agency.

CHAIR MOLINA: Okay. This is on the nominee, just the name of the individual again?

COUNCILMEMBER PALTIN: Jo-Ann Ridao.

CHAIR MOLINA: Jo-Ann Ridao. Okay.

COUNCILMEMBER PALTIN: Thank you very much for your patience.

CHAIR MOLINA: Okay.

MS. ESPELETA: Mr. Chair?

CHAIR MOLINA: Thank you. Ms. Espeleta?

MS. ESPELETA: For the Maui Redevelopment Agency, that doesn't require...there's no deadline for Council approval. So, I believe the Chair will be taking that up at a future meeting.

CHAIR MOLINA: Okay. Yeah, that was one of those commissions we'll take up at a later time since there's no time deadline. So, if you'd like to withdraw that consideration for today's meeting?

COUNCILMEMBER PALTIN: Sure thing.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: So, noted. Okay. So, you have Tom Cannon for the CRC and Sarah...sorry, make sure I can...finding my place here...Sarah Simmons --

COUNCILMEMBER SUGIMURA: Cost of Government.

CHAIR MOLINA: --for the Cost of Government, as a request for separation. Okay. So...

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: All right. Yes, Ms. King?

COUNCILMEMBER KING: Just for clarification, could we have the Secretary read the name...the names of the board or commission, and the name of the persons, you

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

know, the commission and the person that we are approving with this motion that we have on the floor right now?

CHAIR MOLINA: So, you want that again read in its entirety --

COUNCILMEMBER KING: Because...yeah --

CHAIR MOLINA: --for the --

COUNCILMEMBER KING: --instead of --

CHAIR MOLINA: --people --

COUNCILMEMBER KING: --just...

CHAIR MOLINA: --we're approving.

COUNCILMEMBER KING: Because there's a lot of stuff being pulled out. And so, if we can just have it read, the list that we're --

CHAIR MOLINA: All right.

COUNCILMEMBER KING: --approving just have it read once, I think that'll be helpful.

CHAIR MOLINA: Any objections, Members? Okay. Ms. Espeleta, you have the floor.

MS. ESPELETA: To the Affirmative Action Advisory Council, Michael Gurat; to the Board of Ethics, Geraldine Lewis; to the Board of Variances and Appeals, Emmanuel Baltazar; to the Board of Water Supply, Hanna Mounce, and Buddy James Nobriga; to the Civil Service Commission, Blake Takayama; to the Maui County Commission on Persons with Disabilities, Joseph D'Alessandro and Evalina "Nani" Watanabe; to the Cost of Government Commission, Paula Heiskell, reappointment; Barbara Matson, reappointment; to the Council on Aging, Debra Cabebe; to the Fire and Public Safety Commission, Dwight Burns and Lisa Vares; to the Liquor Control Adjudication Board, Allan Almeida; to the Liquor Control Commission, Jerrybeth De Mello; to the Maui County Cultural Resources Commission, Daniel Kanahale, Hawaiian culture/ethnic history; to the Molokai Planning Commission, Laakea Poepeoe, reappointment and Native Hawaiian traditional and cultural expert; Julie-Ann Bicoy, and Bridget Mowat; to the Police Commission, Matthew Mano; to the Public Works Commission, Brooks Aoki, engineer, from alternate member to regular member; Harry Hecht, engineer, from alternate member to regular member; and Luana Kawaa, Hawaiian language.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. So, that's been read into record as far as the motion we are considering currently. Mr. Hokama?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER HOKAMA: Chairman, I speak to the motion in favor with some reservations. First, I want to speak in support of Matthew ____ Mano of Lanai. He is keiki o ka aina. His family has been there generations and generations and generations. So, he's not a fake resident. He's a Lanaian. Okay. I can vouch for them. They know the island well. They understand the uniqueness that makes up our community. And I believe Mr. Mano who has been very active in our community, in community services, athletics. I believe he can serve the County very well. Also, I'd like to speak in support of Nani Watanabe. She's also keiki o ka aina to Lanai. She's part of the clan that we look for in guidance for cultural understanding, the Kaopuiki's. Nani continues to represent her love of Lanai and her County by continuing to use service in an area that she's quite passionate in, and that's our youth and our adults who have challenges in life. So, I can speak heartily for her. My one comment of reservations, Chairman, is at it regards to the Salary Commission. And I appreciate Ms. King bringing up some of her concerns 'cause I do too regarding greater district representation. If you look at the Board of Water Supply, Molokai is a big part of this group. There's not one Molokaian. I would ask for consideration of those district balances. Hana is part of this water district. No Hana representative. But as in regards to the Salary Commission, I am...my concern, Chairman, is I'm hoping they understand the decisions that they have made and when they put into effect to implement some of the decisions. This latest salary increase by this current Commission that went into effect January 1st, do they understand how much the recalculations we are gonna do for the retirement benefits for that one extra day that crossed the 31st into the 1st? How much it's gonna mean on our retirement system impact, our EUTF impact? Because that one day recalculated that whole past Administration's retirement, and I don't know if the tax base is aware of what this commission decision was as it impacts their taxes to pay. I'm quite disturbed because I don't see anywhere that this Commission took into account that additional cost. Hey, everybody wants raises, Chairman. Understand who pays for it and how it's paid for is my concern. Cost of Government, my only comment with reservation, Chairman, is we have a County Auditor. As the Charter states, we should be looking at ways of simplifying, as well as eliminating duplicative services. I consider this a duplication. We are the branch by the people to hold the Administration accountable for its actions and its spending, not another internal administrative Cost of Government Commission. Okay. That's our job and by Charter, that's the County Auditor's job, not an administrative board. Thank you, Chairman.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Any other comments as it relates to the motion on the floor and the individuals being considered?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Thank you, Chair. Did we skip over the Kula Ag Park? I didn't hear that mentioned.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Yeah, that is another commission that we're gonna consider at a different time.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: So, yeah.

COUNCILMEMBER KING: All right. Thank you.

CHAIR MOLINA: Again, I believe there's no time limit on that as well, Ms. Espeleta? Correct.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Okay.

MS. ESPELETA: That's --

CHAIR MOLINA: Members --

MS. ESPELETA: --correct.

CHAIR MOLINA: --any other comments as it relates to the motion before the Chair calls for the votes? Okay. Seeing none, all those in favor of the motion signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Any "noes?" Okay. Thank you. Chair will mark it eight "ayes," with one excusal, Member Kama.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Hokama, King, Lee, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: ADOPTION OF ALL RESOLUTIONS ON THE AGENDA EXCEPT BRENDA “MICHELLE” DEL ROSARIO, BONNIE DE ROSE, AND SARAH SIMMONS TO THE COST OF GOVERNMENT COMMISSION; THOMAS CROLY TO THE REAL PROPERTY TAX REVIEW BOARD; YARROW FLOWER TO THE BOARD OF WATER SUPPLY; KELLIE PALI (REAPPOINT) TO THE MAUI PLANNING COMMISSION; SCOTT PARKER AND STANFORD LANIAS TO THE SALARY COMMISSION; AND THOMAS CANNON (ARCHITECT) TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION.

CHAIR MOLINA: Members, before we proceed into the separation discussion on the various nominees, Chair would like to call for a morning recess. Recess until 10:45. . . . (*gavel*) . . .

RECESS: 10:32 a.m.

RECONVENE: 10:48 a.m.

CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for Tuesday, February 12th is now back in session. Members, it is ten minutes to the hour of 11 a.m. Thank you very much for that much-needed break especially on behalf of the Chair. And we have...Chair’s intent is to wrap up by our time hopefully around noon-ish. We do have a 1:30 Committee meeting under Mr. Sinenci’s leadership. If we do go beyond, then hopefully the Chair may not have to consider a recess date but I’m very confident that you’ll keep your comments to a minimum and just be direct with your questions. We have nine individuals that have been requested for separate discussion and vote. All right, since the Chair made the first recommendation for separation, this was related to Ms. Brenda “Michelle” Del Rosario, nominee for the Cost of Government

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

Commission. Again, this is just more informational for the Administration. It was brought to my attention that the Mayor has a policy with regards to County employees serving on various boards and commissions. And I would like some clarification on that. Chair has no problem with supporting Ms. Del Rosario for this particular board or commission. Ms. Baisa, can you expound on what I've just stated with regards to the Mayor's policy?

MS. BAISA: Well, the Mayor was hoping that we would avoid possible conflict of interests by not having a member...commissioners who work in one of the offices on the board. But unfortunately, we already have one who is grandfathered. And when Ms. Del Rosario's name was proposed, she was not an employee. That came up after the nomination had already been submitted. And so, knowing that we're here today; however, I've talked with her and she's assured me that there will not be a conflict of interest. So, it's a decision that the Council will have to make.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Members, any comments with regards to Ms. Baisa's overview of Ms. Del Rosario's nomination? Seeing none, then the Chair will make a motion to approve Ms. Del Rosario to the Cost of Government Commission, to place her name on the resolution to approve; and this will include any nonsubstantive changes by Staff. Is there a motion?

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: Okay. Moved by Chair King. Is there a --

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: --second?

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Second by Member Lee. Discussion?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Chair Lee...Chair King?

COUNCILMEMBER KING: I did ask Ms. Del Rosario if she thought it would be a conflict of interest and she's part-time in my office right now. But she has served on boards and commissions in the past. Actually, I have another employee who was already serving on the Committee on the...for the Status of Women, which is as you pointed out, out of our hands and that has not been a conflict either. So, I don't have a problem with it.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. Thank you, Chairman King. Any other discussion as it relates to the motion to approve Ms. Del Rosario to the Cost of Government Commission? Okay. Seeing none, all those in favor...oh, excuse me, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I see a conflict. Eventually, this Council will be making votes on that Cost of Government funding. Okay. So, I appreciate your perspective. I can justify my perspective. And that is why we have a Board of Ethics. The applicant should or any member should in advance of making decisions submit to the board a query whether or not there is a potential conflict. Secure that opinion from that board and the Council can at least hang its hat on a review board that is set up to make a decision, and we can move forward with that. But to leave the cloud hanging of potential conflict, is that how we wanna be remembered for this term? I prefer not to, Chairman. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Any other discussion? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Chair, so, I like what Mr. Hokama is saying, you know, just to kinda clear the air. Nothing against the individual. I will tell you that for a little while I served on the Cost of Government. And as you know, the Cost of Government digs into discrepancies in the County governance and looks at departments that they see are problems. When I was on there, there were questions like oh, so, Molokai Planning Commission, should we have that, you know...the Commission was talking about things like that, which are really sometimes I think the...now that I sit here are things that we talk about, you know, and important discussions from the community. And because I think Ms. Del Rosario is a, you know, viable and interesting member of our community, I would rather her come on board with a clean slate so that we know that the Board of Ethics are saying, you know, there's no problem, just because I've sat on the Cost of Government and seen what kind of work they did. They looked at use of County vehicles. They looked at pCard. I mean kinda serious stuff, important stuff, and I would rather us not have a cloud over this Commission and we go through the process so we know that it's all fine. I understand, you know, that perspective.

CHAIR MOLINA: Okay. Thank you. Chair appreciates your thoughts. Members, any other comments? Member Lee?

COUNCILMEMBER LEE: Mr. Chair, do you know how long it would take to be cleared by the Board of Ethics?

CHAIR MOLINA: Good question. I believe they meet once a month. It could take a while. Now, if you decide to go with the Chair's recommendation, we could ask Ms. Del Rosario to go and get an advisory opinion in the meantime, and I'm hopeful that Ms. Del Rosario should she be confirmed that if she...there is any potential conflict, she would do the right thing to either abstain or if there are potentially too many more

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

conflicts down the road, then do the appropriate thing if need be. But the Chair would like to give her this opportunity to serve and I will leave it at that.

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Thank you. Any other discussion as it relates to the motion on the floor? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I share your concern but, you know, I kinda feel like she's a part-time, at-will employee, and that she doesn't depend on that job. So, I feel okay supporting her.

CHAIR MOLINA: Okay. Thank you. Any other discussion before the Chair calls for the votes? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: The...

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Oh, go ahead.

COUNCILMEMBER KAMA: Sure?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: Okay. Councilmember --

COUNCILMEMBER KAMA: So...

CHAIR MOLINA: --Kama?

COUNCILMEMBER KAMA: So, I've been a volunteer all my life. And as a volunteer, I've done this because I feel I have something to contribute. I feel like I...there's something that I can give back to my community because of what my community has given to me. And so, when I come, I come because I want to serve. And so, we, as a Council, and as a community, as a...the County, we've thrown out our net and we've said come. And then they come, then we tell hold it, I'm not sure. But in an issue like this where there could be potential conflicts or I mean I would like to ensure that the public out there is looking at us with transparency, that we're being transparent with them. And like Councilmember Sugimura said, it's not about the person, it's about really all about us and how we conduct the business of our County to ensure that our community gets the best representative possible, and I think they will in Michelle. But you're right about nobody wants to have a cloud hanging over them. So, I would support if Ms. Rosario would be able to do that, I'd be very happy to confirm her.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. Thank you, Ms. Kama. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I know Ms. Del Rosario. And I know she's an independent thinker. She's very smart and wouldn't compromise herself. The conflict of interest from...as I understand it is if there's a direct financial gain. And in this situation, as an employee of Ms. King, it's Ms. King who decides on her salary. Cost of Government doesn't decide her salary. So, there is no direct financial gain. I think...I mean I would support that advise or an advisory decision from the Board of Ethics. And I think, you know, for her own reputation, she'd probably, you know, be in support of doing it herself just to clear the air. But I will be voting in support of her nomination to the Cost of Government Commission. Mahalo.

CHAIR MOLINA: All right. Thank you very much, Ms. Rawlins-Fernandez. Any other discussion before the Chair calls for the votes? Okay. Seeing none, all those in favor of approving Ms. Del Rosario on the resolution to approve, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER HOKAMA: No.

CHAIR MOLINA: Okay. Chair will mark it eight "ayes," and one "no," Mr. Hokama.

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Kama, King, Lee, Paltin, Sinenci, and Sugimura.

NOES: Councilmember Hokama.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF BRENDA "MICHELLE" DEL ROSARIO TO THE COST OF GOVERNMENT COMMISSION AND FILING OF RESOLUTION TO DISAPPROVE.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. And the Chair again would encourage Ms. Del Rosario in light of the discussion to get an advisory opinion from the Ethics Board as well. All right. Continuing with the Cost of Government, I believe Member Paltin made a request for a discussion and separate vote for first, Bonnie De Rose, and then Sarah Simmons. We'll first discuss Ms. De Rose. Ms. Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. So, you know, similar to other Members have said today, it's nothing with that nominee and the applicant that is the problem. I just recently became aware that she had a health condition in which she's in the hospital. And so, I think that maybe she might not be able to...it just happened over the weekend. So --

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: --that's...

CHAIR MOLINA: Would you like a comment from Ms. Baisa from the Mayor's Office with regards to that? Ms. Baisa, are you prepared to respond to what Councilmember Paltin stated about Ms. De Rose's health condition and ability to serve?

MS. BAISA: Thank you very much, Chair. I was not aware of it until I just heard it. In fact, I attended the recent meeting and spoke with her on the phone also and she looked okay. So, news to me. Thank you.

COUNCILMEMBER PALTIN: Yeah, on social media with her stepdaughter. And so, it was just accident, you know. So, I think in light of that.

CHAIR MOLINA: Well, thank you for making us aware of that. Chair hasn't been made aware of her condition as well. And having formally served in the Arakawa Administration and staffing the Cost of Government Commission, I can tell you that Ms. De Rose has always participated in the discussions. So, she's been very effective. And from my personal observations, I think she would make a very good reappointment. Any other discussion as it relates to Ms. De Rose prior to the Chair making a recommendation?

COUNCILMEMBER KING: Chair? Just --

CHAIR MOLINA: Yes --

COUNCILMEMBER KING: --a question --

CHAIR MOLINA: --Chairman King?

COUNCILMEMBER KING: --for Ms. Paltin. Was there a request from the family to remove her name or do we have any...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Ms. Paltin, just to clarify Chairman King's question, was there a request from the family to have Ms. De Rose's nomination be reconsidered because of her health?

COUNCILMEMBER PALTIN: No, not to me.

COUNCILMEMBER KING: Okay. So, you know, like the previous situation, if we approve it and then there is something, we can address it then maybe.

CHAIR MOLINA: And I'm sure under Ms. Baisa's watch, she'll monitor the situation should she be confirmed. Okay. Seeing none, then the Chair will call for a motion to place the name of Bonnie De Rose on the resolution to approve as a nominee to the Cost of Government Commission; and to allow Staff to make any nonsubstantive changes.

COUNCILMEMBER SUGIMURA: So move.

COUNCILMEMBER LEE: So move.

CHAIR MOLINA: Moved by Member Lee --

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: --and seconded by Member Sugimura. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER PALTIN: No.

CHAIR MOLINA: Okay. For the record, Members Hokama and Member Paltin. So, Chair will mark it seven "ayes," and two "noes."

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Kama, King, Lee, Sinenci, and Sugimura.

NOES: Councilmembers Hokama and Paltin.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF BONNIE DE ROSE (REAPPOINT) TO THE COST OF GOVERNMENT COMMISSION AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: Okay. Thank you, Members. And the other consideration from Member Paltin as it relates to the Cost of Government Commission, Sarah Simmons. Ms. Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. Similar to the first discussion we had, I believe this employee...this nominee is a County employee full-time. And so, you know, similar concerns that it could be a conflict of interest, and it has nothing to do with the applicant-nominee but, you know, with the role and whatnot.

CHAIR MOLINA: Okay. Ms. Baisa, are you prepared to respond to Councilmember Paltin's concern?

MS. BAISA: Well, I...thank you, Chair. I don't know if everybody has access to an application. But Ms. Simmons is employed by the County in the Prosecutor's Office. And her employer does not have a problem with her serving. And this was her wish. So, it...again, it becomes your decision.

CHAIR MOLINA: Okay. Ms. Paltin, any --

COUNCILMEMBER PALTIN: Yeah, I...

CHAIR MOLINA: --additional comments?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER PALTIN: I just...I feel like it's a little too close to home. And, you know, for the reasons that Mr. Hokama and Ms. Sugimura had previously stated. I'm opposed to this nominee.

CHAIR MOLINA: Okay. Thank you. Members, any other comments as it relates to this prior to the Chair making a recommendation? Ms. King?

COUNCILMEMBER KING: Chair, I have a question on this...the application. The employer and position...the employer is the Prosecutor's Office and the position is Deputy Prosecutor? Is that correct --

CHAIR MOLINA: Ms. Baisa?

COUNCILMEMBER KING: --Ms. Baisa?

MS. BAISA: I'm sorry, I missed the question.

COUNCILMEMBER KING: Well, I'm trying to...because it's a little confusing on the application, current employer and position. So, her employer is County of Maui Prosecutor's Office and the --

MS. BAISA: Yes.

COUNCILMEMBER KING: --position is a Deputy Prosecutor?

MS. BAISA: As a Deputy Prosecutor.

COUNCILMEMBER KING: Okay. And then, is that a...that's a civil service position or is at-will?

MS. BAISA: I'm sorry, Ms. King, I don't know.

COUNCILMEMBER KING: Oh, maybe Mr. Kushi knows.

CHAIR MOLINA: Mr. Kushi, are you able to respond? And, Members, we got a reminder from *Akaku* television to ask us to please speak into the mics so you can be heard much more loudly and clearly. Mr. Kushi?

MR. KUSHI: Yeah, Mr. Chair, Member King, Deputy Prosecutors as well as Deputy Corp. Counsels are all at-will.

COUNCILMEMBER KING: Okay. So, that's for the four-year term or is that...what...is that appointed along with the Mayor? The Mayor appoints for the four-year term or...

MR. KUSHI: Maybe shorter. It's at-will.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Okay.

MR. KUSHI: It depends where the...which way the wind is blowing.

COUNCILMEMBER KING: Okay. Okay. And then, Chair, so, if we do approve this person, then would we make the same directive and request that they --

CHAIR MOLINA: Get an advisory opinion?

COUNCILMEMBER KING: --get advisory opinion from the Board of Ethics --

CHAIR MOLINA: Sure.

COUNCILMEMBER KING: --on --

CHAIR MOLINA: We can make that --

COUNCILMEMBER KING: --potential conflict --

CHAIR MOLINA: --request to...

COUNCILMEMBER KING: --of interest?

CHAIR MOLINA: Okay. That's a fair request. Okay. Any other discussion before the Chair makes a recommendation? Okay. So, be it. Chair recommends putting the name of Sarah Simmons on the resolution to approve as the Mayor's nominee to the Cost of Government Commission. Is there a motion on the floor?

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: Moved by Member Sugimura. Is there a second?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Seconded by Member Lee. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER PALTIN: No.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. We will mark it seven “ayes,” and two “noes,” Members Hokama and Paltin.

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Kama, King, Lee, Sinenci, and Sugimura.

NOES: Councilmembers Hokama and Paltin.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF SARAH SIMMONS TO THE COST OF GOVERNMENT COMMISSION AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: Okay. Thank you very much, Members. So, that completes the Cost of Government separation matters. Let us --

COUNCILMEMBER SUGIMURA: Chair?

CHAIR MOLINA: --move on.

COUNCILMEMBER SUGIMURA: Can I ask --

CHAIR MOLINA: Yes.

COUNCILMEMBER SUGIMURA: --a question? So, what --

CHAIR MOLINA: Miss...

COUNCILMEMBER SUGIMURA: --you're doing now is that anybody who works for the County, you're asking them to get a Board of Ethics' opinion whether they can serve or not? Is that what's happening? It --

CHAIR MOLINA: Well --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER SUGIMURA: --sounds like that.

CHAIR MOLINA: --I'm not asking but Members...the body, it's you, you're making the suggestion, and if...and it's been agreed upon by the Administration that...of course, everybody is different. We did have a...some folks who became employed by the County that was approved by the previous Councils, and they were not, to my knowledge, asked to get an advisory opinion; however, if it is the will of this particular Council that any future nominees from the Mayor that are employed by the County that they get an advisory opinion, then that's...so be it. So, Ms. Baisa?

MS. BAISA: Thank you, Chair. I will be very happy to convey that to the Mayor. And I think it's fair. It does solve the question and take away any possible problems.

CHAIR MOLINA: Right. And so, for the record, we want Ms. Simmons to get an advisory opinion as well as Ms. Del Rosario, who we dealt with earlier. Okay. Moving on, Members, let us go now, I see Mr. Croly who's here. The discussion on the Real Property Review Board, I believe Chairman King, you made a request for separation. So, maybe I'll ask Mr. Croly to respond to some questions from Ms. King. Mr. Croly, if you'll approach the podium. Proceed, Ms. King.

COUNCILMEMBER KING: Okay. Thank you, Chair. Thanks for coming back, Mr. Croly. My main question was if you've been involved in any appeals yourself, any real property tax appeals or represented anybody in any appeals?

MR. CROLY: Thank you for that question. Yes, in fact, the first time that I met Scott Teruya was when I appealed my own property taxes for a condominium unit that I own down in Kihei. And I...we reached a stipulation in that appeal and that made me understand the process. And there have been people who have asked me to prepare paperwork for them for an appeal. I don't do that as a regular matter but I did prepare paperwork for people who had made an appeal and represented them in that matter. But it's not something that I do on a regular basis or anything.

COUNCILMEMBER KING: Okay. Do you think that that gives you any bias towards approving appeals or...I mean how does that affect your...how will that affect your position on that Board of Appeals?

MR. CROLY: I certainly don't think it creates a bias. It just --

COUNCILMEMBER KING: Okay.

MR. CROLY: --creates an awareness of the process and a better understanding, which the general public I don't think has, of what constitutes a valid appeal.

COUNCILMEMBER KING: Okay. So, you wouldn't be...have any more propensity towards approving appeals than not, you'll just look at it objectively?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MR. CROLY: Absolutely.

COUNCILMEMBER KING: Okay.

MR. CROLY: I think I understand the...what goes into the assessments and can be objective about whether or not the assessment was correct, and what goes into the evaluation of proper notice and so forth that people must serve, and helping to make a decision on the board as to whether that was properly done or not.

COUNCILMEMBER KING: Okay. And for the period that you serve on this board, would you agree to not put yourself in a position of assisting people in their appeals because then they'll be coming to you for...

MR. CROLY: Right. And certainly, even someone asks me my opinion on something, I would be sure to reveal that if their appeal became, you know, before the board, and then let the board decide whether or not I should consider that. There are people who know me and know that I understand matters of real property taxes and so forth and will just ask me a question just as people would ask you a question about the County Council. And if I were to provide them with any information and then later, they would appeal before the...appear before the board, I would expect that I would reveal that I may have advised that person whether that person paid me or not. And again, that's not a business that I'm in. It's just that people do understand that I understand that end of the --

COUNCILMEMBER KING: Okay.

MR. CROLY: --things.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. King. Members, any other questions for Mr. Croly prior to the Chair making a recommendation? Mr. Hokama?

COUNCILMEMBER HOKAMA: Well, thanks for putting yourself up to this, Mr. Croly. So, I appreciate your nomination to this important board. How do you separate your bias for or against the short-term rental program because some of these variances is to correct any legal activity already done to become legal? How do you deal with this?

MR. CROLY: Well, I understand...I think I understand the laws relating to the ability or inability of the County to change a classification based on a use that's not allowed. Those of us who have permits, myself, a bed-and-breakfast permit, we are by this Council directed into a certain tax classification. Someone who doesn't have a permit but makes the same use, well, while I would think that they should be put into a

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

different classification, I understand that the County doesn't have that authority to do so. And I think that I certainly can separate that...those concerns that I might have.

COUNCILMEMBER HOKAMA: Do you believe currently that the County's process is that has...it has set up and maintained for many years including a filing deadline to be currently appropriate?

MR. CROLY: I certainly feel like the County has a very clear and appropriate process for appeal. If you asked me would you change the process in some way, shape, or form, I might advocate for changing the process in some way, shape, or form. But if I serve on this Commission, the process is the process, understanding whether or not someone has met a deadline or not met a deadline is a black-and-white issue.

COUNCILMEMBER HOKAMA: I see it the same way, Mr. Croly. So, I appreciate that comment. We are always looking at improving our process. So, if you had recommendations that will be appreciated 'cause more than likely, it might take an ordinance for some adjustments. So, I'd be curious on your recommendations --

MR. CROLY: Thank you.

COUNCILMEMBER HOKAMA: --of improvement. Chairman, thank you very much for my opportunity.

CHAIR MOLINA: Thank you, Member Hokama. Committee Members, any other questions for Mr. Croly? Okay. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Mr. Croly.

MR. CROLY: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for being here and for your willingness to serve. Are you a paid, registered, or lobbyist under the definition of the State law?

MR. CROLY: Thank you for that question. No, I've never been a paid lobbyist. And I am registered currently as a spokesperson for...as a volunteer for the Maui Vacation Rental Association. However, recently, I have resigned from the board of the Maui Vacation Rental Association and would no longer be speaking on behalf of that association. I continue to be a bed-and-breakfast operator, and I will continue to advocate for fair, you know, ordinances that affect me. But I have never been a paid lobbyist for any organization, whatsoever.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, you were, just for clarification, sorry, you were a spokesperson for that organization?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MR. CROLY: Correct. As a volunteer board member on that 501(c) organization, nonprofit organization, directed to education of the public, I acted as a spokesperson for them on a volunteer basis, that is correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Under State law, and I'm not sure if it applies to County lobbyist, perhaps, I should ask Corp. Counsel?

CHAIR MOLINA: All right, Mr. Kushi, are you...will you be able to respond to Ms. Rawlins-Fernandez regarding lobbyists under State law?

MR. KUSHI: I'm sorry --

VICE-CHAIR RAWLINS-FERNANDEZ: 'Cause under State --

MR. KUSHI: --what was the question?

VICE-CHAIR RAWLINS-FERNANDEZ: --law, it's any kind of lobbying would be considered five hours of work in advocating for a specific organization per month, like five hours per month or something like that. So, does our County law follow that type of... 'cause I'm trying to figure out whether there's a difference between being a spokesperson and being a lobbyist under County law I guess.

MR. KUSHI: Mr. Chair, Member Rawlins, I'm really not sure whether if you're a spokesperson being unpaid, are you then deemed to be a lobbyist, which then requires registration. I'm not sure about that.

MR. CROLY: Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Thank you.

CHAIR MOLINA: Excuse me. Hang on, Mr. Croly. Member Rawlins, if you prefer under...the Committee, maybe asking that question, getting it memorialized in writing to your response if that is a preference of yours for further clarification, we can address --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --that in that form.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay. Do you have any other questions for Mr. Croly?

VICE-CHAIR RAWLINS-FERNANDEZ: I think Mr. Croly may have something to add to that?

CHAIR MOLINA: Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MR. CROLY: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Mr. Croly?

MR. CROLY: I am registered. I did register with the County in exactly what I explained to you as an unpaid lobbyist. Okay. I will be unregistering because as I say, I recently resigned from the Maui Vacation Rental Association board, and I'm no longer going to be speaking on their behalf. So, I will be rescinding that, which was filed I don't know, several years ago. So, just to be clear that that paperwork is on file with the County that I was in that capacity.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Croly.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo --

CHAIR MOLINA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: --Chair.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Members, any other questions for Mr. Croly prior to the Chair making a recommendation? Seeing none, thank you, Mr. Croly. Okay. Members, the...based on the comments from Mr. Croly, Chair is prepared to recommend submitting his name on the approval resolution as the Mayor's nominee to the Real Property Tax Review Board. Chair will entertain a motion.

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: Moved by Member --

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: --Sugimura, seconded by Member Lee. Any discussion with regards to Mr. Croly's nomination? Seeing none, Chair calls for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. Chair will mark it unanimous, nine-zero.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF THOMAS CROLY TO THE REAL PROPERTY TAX REVIEW BOARD AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: Thank you. Moving on, Members, we had a consideration I believe, was it Ms. Rawlins-Fernandez for Ms. Yarrow Flower's matter to be a separate vote? Am I correct or was that Ms. Paltin? I'm not sure. Sorry. Staff, could you confirm that? It was Ms. Rawlins-Fernandez? Okay. Yes, Ms. Yarrow Flower is a nominee to the Board of Water Supply. And according to Staff, it was Committee Vice-Chair Rawlins-Fernandez who wanted a separate vote and discussion on Ms. Flower's nomination. She happens to be in the gallery as well. So, if you have any questions for her. Ms. Flower, if you wouldn't mind, please proceed to the podium. Okay. Ms. Rawlins-Fernandez, proceed with your questioning of Ms. Flower.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Aloha, Ms. Flower. Mahalo for being here without even being asked. I appreciate that. And mahalo for your willingness to serve. So, it says that you're currently the land asset manager at Monsanto now there. Is that --

MS. FLOWER: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: --correct?

MS. FLOWER: I work for Bayer Crop Science as the land asset manager. It was formerly Monsanto Company.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Do you believe that your current job poses any conflict of interest in your decisions regarding water?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. FLOWER: I do not.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Does this company have ties in the agricultural industry who would benefit from your placement on this board?

MS. FLOWER: If I understand your question correctly, what you're asking is if in a position on the Board of Water Supply, I would be in a position to somehow help people in the agriculture industry? Is that correct?

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: The company that you work for specifically?

MS. FLOWER: Right. So, I work for Bayer Crop Science. It is an agriculture company. I haven't been able to think of a hypothetical situation that would present a conflict of interest for me. I am very sensitive to that though. I really believe that...I really think it's important to be sensitive to that. And although I don't see a conflict, I would definitely defer to the Ethics Committee [sic] for any conflict perceived or otherwise. But I've literally racked my brains and haven't come up with any to this point.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Flower.

CHAIR MOLINA: Okay. Thank you, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Ms. Flower, just for the record, what exactly do you do for this company or your position?

MS. FLOWER: So, I'm the land asset manager, which means I have responsibility for land and water management tasks. That would include managing landlord-tenant relationships, land dispositions, easements, access rights, that type of thing. I do get to work on some special projects, one of which would be like the subdivision of the Honouliuli Internment Camp on Oahu to dedicate to the National Park Service.

CHAIR MOLINA: Thank you. Ms. Flower, again, this is the Chair's, it's recommendation that I certainly would approve you to serve on this board 'cause I know of your past work on the Civil Service Commission. You've been...outstanding work. So, I know your attendance and your ability to deal with matters is unquestioned. You mentioned the keyword in water. So, I would ask that you, should you be confirmed by this Committee, you get a ruling from the Ethics Board just to make sure everything is clear and run by them. So, that is my suggestion.

MS. FLOWER: Absolutely.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Administration?

MS. BAISA: Thank you very much, Chair. I just wanted to present some of the reasons why Mayor felt strongly about Ms. Flower. She has a history of being extremely involved in many things like Big Bothers, Sustainable Living Institute, ag leadership, and she's also served on Cost of Government and Civil Service Commissions. And mostly, she is also a very early member of the Ka Ipu Kukui Fellows program. She's a graduate. And she also serves as an advisory board member for Ka Ipu Kukui. And during that process, she can probably explain this better than I do, but one of the halawais that they go through is with water. And they look at it from all angles. And so, it seems that she has the background. Thank you.

CHAIR MOLINA: Thank you. Members, there was a question on the floor. Ms. King, followed by Ms. Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Ms. Flower. So, my question is based on what your...what you just...your answer to the previous Councilmembers' questions is do you, in your position working for Bayer, have you done any or do you do any advocating for water rights for that company?

MS. FLOWER: I do not advocate for water rights for the company. I'm not a registered lobbyist for the company.

COUNCILMEMBER KING: Okay. And you're not involved in any decisions for that company on their water rights or water usage?

MS. FLOWER: Well, I mean there are no water rights in Hawaii for water usage. Are you referring to like County of Maui --

COUNCILMEMBER KING: Well, advocating...

MS. FLOWER: --meter permits?

COUNCILMEMBER KING: Adding for...advocate...there's been, you know, there's...you know, the issue that's going on with the water rights and the water usage of the...of A&B. And so, I'm not sure how involved Monsanto is or Bayer is in that. I actually...

MS. FLOWER: That would be 100 percent not involved.

COUNCILMEMBER KING: Okay. Okay. Thank you.

CHAIR MOLINA: All right. Thank you, Member King. Councilmember Rawlins-Fernandez?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, you served on the Civil Service Commission for multiple terms. What was the reason for the switch now to Board of Water Supply?

MS. FLOWER: My service with the Civil Service Commission expires in March. It will be my seventh year I'll be completing with them. It's very...it's a big-time commitment but it's also a very gratifying Commission. As I've been serving on a County board or commission since probably over ten years, about 2008. So, as I looked at my next board that I wanted to apply for, I felt like Board of Water Supply was appropriate 'cause I have a professional and personal background. It seemed like a good fit.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --Ms. Flower.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Members, any other questions before I dismiss Ms. Flower? Seeing none, thank you very much, Ms. Flower, and we appreciate all of your years of volunteerism for the County of Maui.

MS. FLOWER: Thank you so much.

CHAIR MOLINA: All right, Members, the Chair will make a recommendation to put the name of Yarrow Flower on the resolution to approve as the Mayor's nominee to the Board of Water Supply; and of course, to allow Staff to make any nonsubstantive changes. Is there a motion?

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: Okay. Moved by Member Sugimura.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Seconded by Member Lee. Members, discussion? Okay. Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBERS VOICED NO.

CHAIR MOLINA: Okay. Roll-call vote, Ms. Espeleta?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. ESPELETA: Okay. Starting with Councilmember Sinenci?

COUNCILMEMBER SINENCI: No.

MS. ESPELETA: Councilmember King?

COUNCILMEMBER KING: Aye.

MS. ESPELETA: Councilmember Lee?

COUNCILMEMBER LEE: Aye.

MS. ESPELETA: Councilmember Hokama?

COUNCILMEMBER HOKAMA: Aye.

MS. ESPELETA: Councilmember Paltin?

COUNCILMEMBER PALTIN: No.

MS. ESPELETA: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Aye.

MS. ESPELETA: Councilmember Kama?

COUNCILMEMBER KAMA: Aye.

MS. ESPELETA: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

MS. ESPELETA: Chair Molina?

CHAIR MOLINA: Aye.

MS. ESPELETA: The vote is six-three. The motion passes.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VOTE: AYES: Chair Molina, Councilmembers Hokama, Kama, King, Lee, and Sugimura.

NOES: Vice-Chair Rawlins-Fernandez, Councilmembers Paltin and Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF YARROW FLOWER TO THE BOARD OF WATER SUPPLY AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: Okay. Thank you very much. So, Ms. Rawlins...oh, Miss...Ms. Flower's nomination will move on to the full Council as approved from this Committee by a vote of six to three, with three Members voting "no," Mr. Sinenci, Ms. Rawlins-Fernandez, and Ms. Paltin. Thank you.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Yes --

COUNCILMEMBER KING: Just --

CHAIR MOLINA: --Ms. King?

COUNCILMEMBER KING: --for information, and you'll add your recommendation to get an opinion?

CHAIR MOLINA: Yes, and I would ask Ms. Flower to get an opinion from the Ethics Board. Thank you for that reminder, Council Chair.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Members, moving on. Let us now take a look at the...for the Maui Planning Commission, I believe Mr. Sinenci made a request with regards to the reappointment of Kellie Pali. Mr. Sinenci, you have the floor.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to ask Administration of the reasoning's for Ms. Pali's reappointment?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Thank you very much, Chair. And thank you, Member Sinenci, for the question. I asked the same question. But I do follow all of the Planning Commission meetings, and I am aware that Ms. Pali has not been on the Commission very long. She filled a term for a person who had to resign. And I have also been asked by the chair of the Commission. They feel she's one of the best commissioners they've ever had. And so, she was very much supported. She attends all the meetings and does her homework and does a good job. So, there was a request if we could give her more time.

CHAIR MOLINA: Thank you, Ms. Baisa. Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, thank you. I don't personally know Ms. Pali. But just looking into some of her work on the recent housing TIG, and I just felt that in a time where we need more affordable housing that some of her recommendations were against those efforts to put more affordable housing on to the market. So, that's why I wasn't gonna support her appointment.

CHAIR MOLINA: Thank you, Mr. Sinenci. Members, any other discussion? Ms. Sugimura, as it relates to the nominee for the Planning Commission, Ms. Pali?

COUNCILMEMBER SUGIMURA: Yeah, thank you. Yes, so, Kellie Pali was...she filled in. You're right. And I recently saw her in fact. And I asked her about her experience being on the Planning Commission. I think by trade, is she a realtor or she's a financial planner kind of person? And I'm sorry, I should pull out her resume but...her application. I didn't see what Member saw in terms of the Planning Commission meeting and the exchange. And I will tell you that she's somebody who has stood there as we talked about different projects that she might have come, and she came to testify, and she's totally into housing. So, I support her.

CHAIR MOLINA: Okay. Ms. Sugimura, if...what I'd like --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: --to know, you had mentioned about her background, maybe Ms. Baisa --

MS. BAISA: I'd be happy to.

CHAIR MOLINA: --can provide --

COUNCILMEMBER SUGIMURA: Yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --some clarification as to what she exactly does for --

COUNCILMEMBER SUGIMURA: So, I should pull out --

CHAIR MOLINA: --a living.

COUNCILMEMBER SUGIMURA: --her resume --

CHAIR MOLINA: Go ahead.

COUNCILMEMBER SUGIMURA: --her application.

MS. BAISA: Thank you, Mr. --

CHAIR MOLINA: Go ahead.

MS. BAISA: --Chair. I'll be happy to give out some of her experience and qualifications. First of all, she's a local girl, and her business is called Creative Financial. And she goes the extra mile to try to find ways that local people who don't have a lot of money can qualify for a house. And she'll search everywhere to find...try to find a loan and the funding for them. She also serves on many things. She's a member of Go. She works as a board of director for Kihei Commercial Plaza, current member of the Kihei Charter School. She's the liaison chair for Real Estate Association of Maui. She serves as charter president for the Lions Club of Kihei and AYSO. And she's a fabulous lady.

CHAIR MOLINA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, sorry, I pulled out her application also. Yeah, so, I didn't hear that Commission meeting. But I will tell you that she stood before us, this body and really advocated to support housing. And if that's the business she does and she lives it, you know, as...

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: So, I support her.

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER SUGIMURA: I support her.

CHAIR MOLINA: And I'm glad you brought that up because I think it was when I was working for the former Administration, we had submitted her name for consideration, and you had chaired that policy meeting way back when. So --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. BAISA: Chair?

CHAIR MOLINA: --yeah, Ms. Pali is a very active person in the community, so, and she has certainly found the time to attend all of the Planning Commission meetings. Ms. Baisa?

MS. BAISA: Just one more relevant fact, I wanna give you the date that she became...she replaced Mr. Higashi, who resigned, and that was in 5/25/18. So, she hasn't been there that long.

CHAIR MOLINA: Okay. So, roughly seven months --

MS. BAISA: Yeah.

CHAIR MOLINA: --she's been on the Commission. Members, any other discussion as it relates to Ms. Pali prior to the Chair making a recommendation? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair?

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so, I have some concerns about this nomination.

CHAIR MOLINA: Okay. Ms. Rawlins-Fernandez, if you don't mind, can I make a recommendation and then you can --

VICE-CHAIR RAWLINS-FERNANDEZ: And then we --

CHAIR MOLINA: --go ahead --

VICE-CHAIR RAWLINS-FERNANDEZ: --discuss?

CHAIR MOLINA: --and provide...yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: If you have...

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: You're ready to state your position. Okay. Seeing none, Chair will make a recommendation to submit the name of Kellie Pali on the resolution to approve as a reappointment to the Maui Planning Commission. Is there a motion for --

COUNCILMEMBER SUGIMURA: So move.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --approval? Okay. Moved by Member Sugimura, seconded by Member Lee. Member Sugimura, I know you've made some comments already so I...if you don't mind, I'd like to recognize Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I have some information from the discussion of the Commission on December 7, 2018, after the Native Hawaiian law training that some of us attended. And because the planning commissions hold a lot of power to trampling over the rights of Native Hawaiians, I think it's really important that commissioners attend this training but also to understand it as much as possible. And if they don't have a full understanding to ask questions of those who provided the information, and some of the takeaways that she listed is concerning for me. One was that, you know, she said understanding that private ownership interest was actually a King Kamehameha thing and not us later after the throw over. And two, the other thing was really more eye-opening to me was OHA's position, and from my takeaway of the generic fundamental structure that was why they created OHA, that's why the State and the Federal government made sort of an agreement that yes, these lands may have been taken away and here's our settlement to you, we're going to establish OHA. That's kind of scary to me that that was the takeaways from the Native Hawaiian law training. I'm also really concerned about her view on community plans and the value and power that it has. And in one of the meetings, she talked about whether permits should be denied or approved. And that if it doesn't comply with the community plan, that it...that alone wasn't enough to deny a permit. And that was from the November 27th meeting, 2018. And I would just...I would like to have someone on the planning commissions that really recognize the value of our community plans. They were created by our communities. And if our communities in our plans say that they don't want short-term vacation rentals in their district, I believe we should, you know, respect those communities' wishes. Okay. So, those are my big concerns for approving this candidate or nominee. Mahalo.

CHAIR MOLINA: Okay. So noted. Any other comments as it relates to the nominee, Ms. Kellie Pali to the Maui Planning Commission?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Are we...is it possible to have this person come before the Committee before we do the approval?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: I know this person came before the Council last term. I know Ms. Pali very well. I'm satisfied with what I had heard as a former member of the Administration and Ms. Pali's statements. And my understanding is she's been very active with the Commission. At least, she attends the meetings. So, for me, I have no need; however, again, like with all nominees, you have access to their contact information. You can ask them the hard questions should she pass out of Committee, and take it from there.

COUNCILMEMBER KING: Okay. Yeah, I have...yeah, I'm just...I think Miss...Councilmember Rawlins-Fernandez brought up some good points. And I've always, you know, and nothing against Ms. Pali, but I've always had a problem with this Committee because of the fact that I am privy to some folks that have applied to this Committee over and over and over again and don't get appointed. So, to me when I look at the, you know, the makeup of the Committee, it does look a little skewed, you know, towards development. And we certainly had been...this Council has been at odds with the Planning Commission on some specific issue, developments, I mean not, you know, not arguably, but just, you know, voting against some things that have come before us from...by the Planning Commission. So, it's a tough call for me to make without actually having a...the discussion about some of the issues that were brought up.

CHAIR MOLINA: So noted, Chairman. And you certainly have that right, Members. Again, the way the process works, if you feel strongly against the Mayor's appointments, you express yourself through vote. And the Mayor...it is the Mayor's prerogative. As the current process works, if the nominee fails to advance, then the Mayor has X number of days to submit a new nominee, and that's how it goes, so. But I appreciate your comments, Chairman. Any other comments for the second and last time on the motion that's on the floor? Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry. It's a question for Ms. Baisa.

CHAIR MOLINA: Question? Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. In the December 7, 2018 meeting, Kellie stated that she only attended a portion of the training, which is a requirement for all commissioners. Is this codified requirement being taken seriously by the Administration?

MS. BAISA: I think --

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: --that's one for our Corp. Counsel.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Mr. Kushi, are you prepared to respond to Ms. Rawlins-Fernandez' question?

MR. KUSHI: Mr. Chair, I believe this body passed an ordinance requiring that the...when available, that the planning commissioners go to this training. I'm not sure when it was available. And I really can't answer that but I know there's an ordinance.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. Okay. So, yeah, that it's been codified in our ordinance that they're required to go and it was offered in December but she only attended a small portion of it, and she...that she admitted to in the meeting. Is it being...are they aware that they're required to attend the entire training? Because it's not available often. It's available like once a year.

CHAIR MOLINA: Okay. Corporation Counsel or Ms. Baisa, would you like to respond to that question?

MS. BAISA: Yes, Chair. I am a big supporter of that training. I had the opportunity to go when I was on the Council and went to Honolulu and decided that I thought it was something that a lot of people in any kind of decision-making, you know, situation for the County should be able to go. What I don't, and I can't comment on is would she be able to take this later even if she had to go to Oahu? We could require that as for being able to stay on the Commission, she has to take the other half.

CHAIR MOLINA: Okay. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Baisa.

CHAIR MOLINA: Okay. Thank you. I guess the question is how much are they supposed to complete the full training? Is that codified where you must complete the full training or half of the trainings? So, I guess that may be a question --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --that needs to be answered, yeah.

COUNCILMEMBER KING: I'll...

CHAIR MOLINA: Ms. King?

COUNCILMEMBER KING: Yes, thank you, my second and final comments. I think training is training, and I went to that training. It was very good. And I don't think you could get the full gist of what they were talking about in a couple of hours. So, you do need to be there. In my opinion, if it says you need the training, then you do need to be there for the whole training. It doesn't come to Maui that often. So, I would hope that somebody who's on the Planning Commission who, and especially if they want to

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

remain there, would stay for the entire training. I was not required to do it but I knew it was a requirement of the Planning Commission. So, yeah, that gives me more pause on this candidate. Thank you.

CHAIR MOLINA: Okay. Thank you very much. Ms. Baisa, further clarification before the Chair calls for the vote?

MS. BAISA: Yes. The only thing I can suggest is that we try to find out exactly what happened and why she wasn't able to do the whole thing, and would she be able to have it because I do know that it's conducted on Oahu. And it would be okay for her to go, it would be very good for her to go. We can require her to go.

CHAIR MOLINA: Okay. So, Ms. Baisa, if you can maybe seek out Ms. Pali and have her provide a response, clarification?

MS. BAISA: We would have time before the second reading, right?

CHAIR MOLINA: Yes, assuming she passes out of Committee, we'd have roughly two weeks maybe or so but it should give you enough time. One week, is that correct, Ms. Espeleta? So, maybe...

MS. ESPELETA: I just wanted to clarify, it is a resolution with one reading.

CHAIR MOLINA: One reading. Okay. I thought you said we had one week. Okay. I...improve my hearing here. All right, Members, so Chair is ready to call for the vote. All those in favor of the name of Kellie Pali on the resolution to approve as the Mayor's nominee to the Maui Planning Commission, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

COUNCILMEMBER SINENCI: No.

COUNCILMEMBER KING: No.

CHAIR MOLINA: Okay. If the Chair is correct, without calling for a roll call at this time, we have three "noes," Mr. Sinenci, Ms. King, and Ms. Rawlins-Fernandez. The Chair is correct? So, six "ayes," and three "noes," Sinenci, King, and Rawlins for the record. Okay. Thank you. Chair calls it six to three.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

VOTE: AYES: Chair Molina, Councilmembers Hokama, Kama, Lee, Paltin, and Sugimura.

NOES: Vice-Chair Rawlins-Fernandez, Councilmembers King and Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF KELLIE PALI (REAPPOINT) TO THE MAUI PLANNING COMMISSION AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: Okay. We have...I'd like to take up Mr. Hokama's consideration with regards to the Salary Commission nominees. We have one of them in the gallery, Mr. Parker. If there's no objections, I'd like to ask Mr. Parker to give a statement as to why you would like to be on this Commission. And thank you for sitting through the whole proceedings this morning, Mr. Parker. And then from there, I'll open the floor for questions from Mr. Hokama. Good morning, Mr. Parker.

MR. PARKER: Aloha, good morning. I do appreciate this opportunity and I guess I'll keep my remarks brief. I think this is an opportunity to serve the community. I, and briefly, understand Member Hokama's concerns, but I'll wait for questions there. But I think this is an opportunity having been back on the island for the last two years after being away on Oahu with the Department of Education. It's good to be home. I think my roots are more formally planted now with my present employer, and family, et cetera. So, I definitely think this is an opportunity to step up and serve our community. I do value the contributions that members of other boards and commissions make and this Council. And I think this is I guess an opportunity to engage, to do the work collectively of the Administration and the Council but to really create an opportunity for a better life for our people.

CHAIR MOLINA: Okay. Thank you very much, Mr. Parker. Chair has just one quick question with regards to your employment. Are you a teacher with the Department of Education or an administrator?

MR. PARKER: I was formerly. I presently work for a private educational institution --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: Okay. As a --

MR. PARKER: --here --

CHAIR MOLINA: --teacher --

MR. PARKER: --on Maui.

CHAIR MOLINA: --or a administrator?

MR. PARKER: As an administrator.

CHAIR MOLINA: Okay. The reason I ask, typically, the Salary Commission meets during the day, once --

MR. PARKER: Yeah.

CHAIR MOLINA: --a month, roughly 9:00 a.m. I think on Fridays, one Friday a month or a Thursday. So, any...no problem with your employer attending these meetings?

MR. PARKER: No. And I will clarify, I did make sure to get approval from my CEO and legal office, and I did get approval from both, so.

CHAIR MOLINA: Okay. All right. The floor is open. Mr. Hokama, any opening...any questions for Mr. Parker?

COUNCILMEMBER HOKAMA: Chairman, I don't have any questions for either nominee. I'm just upset with this past or current Commission, and their last raise. And they did not even tell the community about it basically of the increases and what those increases mean to the tax base. That's my headache. That's my pain in my okole. Okay. I don't appreciate being informed at the end of the calendar year of the impacts the Commission feels whether they deserved it or not to give certain pay raises. We don't have a say in it, yeah? The only say we have is who or what component of _____ is gonna pay the bill. Okay.

CHAIR MOLINA: All right.

COUNCILMEMBER HOKAMA: So, I had found that to be quite in my perspective, Chairman, quite deceiving on the tax base. And so, my displeasure is with the Commission in general, not with the two nominees.

CHAIR MOLINA: Okay. Thank you for that clarification, Mr. Hokama. And again --

MS. BAISA: Chair?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --certainly your opinion is valuable as far as the direction the Commission took. But again, let's keep our focus on the nominees. I believe Ms. Baisa had a comment with regards to the nominees?

MS. BAISA: Yes, thank you very much, Chair. I want to support Dr. Parker. I was thrilled after talking to him about this that he was willing to serve. Because I thought he brings a very broad knowledge in terms of budget and laws, and what is fair. And he can really add to the discussion at the Salary Commission about salaries, what is appropriate, and he knows how to do research. So, he can figure out what other people are doing. And I just think that he would be a wonderful professional addition to the Salary Commission. And I was really worried when he said I have to check with my boss. But he checked, and he called me right back and he said, yes, I'm really looking forward to it, and he's very aware of the attendance requirement. Also, with the other person, same kind of response that I got. And so, I'm very happy with these nominees. And I know the Mayor is too.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. And yeah, I'd like to echo that as far as Mr. Laniyas, he...his term is expiring on the Cost of Government Commission, and he's been very active and vocal with his thoughts as far as contributing towards the Cost of Government Commission. Members, any questions for Mr. Parker before he's excused? Okay. Let's...I wanna recognize Ms. Paltin, followed by Ms. King, and then Mr. Hokama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Dr. Parker, for being here and your willingness to serve. I just was wondering as to why this particular Commission, and if you've served another ones for starters?

MR. PARKER: Yeah, no, this would be my first experience on a board and commission for any...for the County of Maui or any county. I think this one I guess I'll share part of the experiences that we've gone through as an organization have revolved around salaries, salary adjustments, a lot of research that has gone into that. So, I think I bring some experience to any conversation that might occur with regards to adjustments, up or down, or the rationale behind it. I'm just hoping that I can contribute effectively to the dialogue, and hopefully, get to a point where if decisions are made, they're not contentious, and that they're for the betterment of everybody, those on the receiving end of something and the County as a whole.

COUNCILMEMBER PALTIN: Thank you for the answer. So, my concern, and it's not necessarily with you but just in general is this could also be a high-profile Commission and I've seen in the past, you know, when it has come out in the newspaper. And I just was wondering if you're up to that kind of scrutiny being the first time on a commission like this?

MR. PARKER: Yeah, personally, I would say yes. I think having approval from my bosses also acknowledges the fact that there is an opportunity for the employer to be thrown

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

into the mix. But they seem committed to having more engagement from the employer side in this experience. And I think I would answer no, I don't have any hesitation to being called out. I think as long as our work is transparent and fair, and that we're working towards the highest ethical and compliance standards. I don't think anybody should be afraid to contribute to that process.

COUNCILMEMBER PALTIN: Thank you. I appreciate that type of stewardship for our resources.

CHAIR MOLINA: Thank you, Member Paltin. Member King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here and for putting your name out there.

MR. PARKER: You're welcome.

COUNCILMEMBER KING: I did note that you applied for eight boards and commissions. This was your last choice. So, I'm assuming you got recruited for this position because I think Ms. Baisa recognized some of your experience in that. But just kinda going back to some of the concerns that were brought up earlier, what do you think the responsibility is of the Salary Commission to this body or the Administration, or the general public really in--sorry, my phone is beeping--knowing and relating the knowledge of what burden that's going to put on the County budget? You know, because in the past, the salaries, the...there was a spike in the salary...in the raises a couple of years ago, and there was very little said about how much that was gonna burden the, you know, the...our taxpayers. So, just can you give me your thoughts on how you would integrate that aspect of salary raises?

MR. PARKER: Sure. I guess I would start off by saying with all due respect to this body and the Administration, I think my...I think the people that I'm beholden to the most would be the taxpayers first and foremost 'cause they would be on the receiving end of any type of conversation. And I do think based on some of the experiences that I have with my employer, you know, we operate on as beneficiaries of a trust, and we're expected to ensure that that trust exists in perpetuity. So, the same kinds of emphasis and scrutiny that we put on decisions there to make sure that that exists would be similar conversations and scrutiny I would believe to be important to the conversations here with regards to how our tax dollars are used, and how people are recognized for their contributions as employees as well. But I think at the end of the day, the question has to be, is it sustainable and is it something that the County can manage and handle going forward? I don't wanna speak to previous decisions 'cause I don't have enough context behind how they were made. But I think everything should be looked at. I think everything should be transparent. And of course, in the simplest of terms, the pros and cons of every decision should be well vetted. And whatever kind of resources we can have and call upon to make those decisions should be there and made available so that the Commission has everything in front of them.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Okay.

MR. PARKER: And then we can respond to questions when they come up as to the rationale why decisions were made.

COUNCILMEMBER KING: Okay. And then my other questions, and I don't really...I mean this is one thing from myself from the...being from the private sector that's always bothered me about the salary raises is they don't seem to have any correlation with any type of evaluation for jobs. So, what are your thoughts on that?

MR. PARKER: I chuckle 'cause that's an interesting conversation that we're having internally where I work. I think there's two sides that can respond to that. I think performance and merit is a conversation. But I don't know that performance and merit necessarily aligns with base compensation for a job and work. But that's just personal. But I think it's important to have all of the information on the table before someone makes a final decision. I just don't know...yeah, I just think establishing base compensation is one thing but then addressing compensation depending on a person's performance is somewhat tied but it's also a different conversation. How you address poor performance or recognize exceptional performance, I don't know if that's necessarily tied to base compensation.

COUNCILMEMBER KING: Well, I think what we're talking about, you know, is more than base compensation. So, some of the salaries that we've seen, you know, the 12 percent increase is not reaching base. It's reaching some kind of a equitable level. But I just...it's always bothered me that's it's not based on any type of evaluation or merit. It's just sort of, you know, which I...which in my opinion, and I'm not asking your opinion 'cause I know that you don't...you have to follow whatever rules the Committee has. But, you know, that's just been one of the things that's I think should be at that highest level. It should definitely be merit and evaluation but there never is. So, anyway, thank you --

CHAIR MOLINA: All right.

COUNCILMEMBER KING: --Chair.

CHAIR MOLINA: Thank you, Chair. And I'll just...before I recognize Member Hokama, my understanding is when Commission members are to look at the position itself and exclude the personalities that currently occupy those positions, for example, Councilmembers, the Mayor, who's the directors, and that is how they're supposed to look at the scope of responsibilities with the job as time evolves. So, anyway that's my understanding. Mr. Hokama?

COUNCILMEMBER HOKAMA: Do you have any relationship with the other nominee since both of you seem to have a private school connection per se?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MR. PARKER: I don't. I do believe he served in a role, I wanna say it expired last year. I can't remember off the top of my head. But no, I don't have a relationship. And I believe that role is somewhat separate in the organization because it focuses more around the parents, but it's more of a support function for the parents versus I guess having oversight or operational line --

COUNCILMEMBER HOKAMA: You're the --

MR. PARKER: --of authority.

COUNCILMEMBER HOKAMA: --operational guy, right?

MR. PARKER: Yes.

COUNCILMEMBER HOKAMA: Okay. And this...you're...the other nominee is more of what, a parent-teacher type of..

MR. PARKER: Yeah, I believe he represents the parent group or did represent the parent group.

COUNCILMEMBER HOKAMA: Okay. No, I just was wondering. I know the school is very close-knit and it's one of its strengths. So, just wondering if you folks have already an established relationship through the school in a educational component.

MR. PARKER: Yeah, no. I'll be honest. I met him once when I was interviewing for the job because he was on the committee.

COUNCILMEMBER HOKAMA: Oh.

MR. PARKER: And then I did have interactions throughout the year at major events. But aside from that, nothing more.

COUNCILMEMBER HOKAMA: Well, I appreciate you putting yourself up for nomination. Thank you.

CHAIR MOLINA: Okay.

MR. PARKER: Thank you.

CHAIR MOLINA: Thank you. As it relates to Mr. Lantias, the other nominee, his term will be expiring on the Cost of Government Commission at the end March, March 31, 2019. Ms. Baisa, do you have anything else to add?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. BAISA: Yes, Chair. Thank you very much. I, you know, I served as a Salary Commissioner myself years ago. And so, I'm very familiar with the work that it does. And I attended a meeting a few weeks ago just to or, you know, just to familiarize myself with the members so that I would have a chance to meet and see how they operate. I was really excited to have Dr. Parker come because of his background and his experience with setting salaries and keeping within a budget and being transparent and all of that. I think that he will be a great addition to this Commission. It needs I think to have, to take a look at how decisions are made and the resources that they call in. I experienced it when I was on the Commission that sometimes decisions were needed to be made but we didn't have the right resources there. So, I think that with somebody like yourself would be really helpful 'cause you would know. We'd probably need a financial guy. We might need to call in somebody from Budget, County Budget, you know. So, I'm really looking forward to that. I think it will take the Commission to a higher level.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Members, any other questions for Mr. Parker before I excuse --

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: --him from the podium? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, I just want to thank you very much. We recently, some of Councilmembers were invited to Kamehameha School, had a gathering in your office in Wailuku. And Dr. Wong presented and other members of your administration. But I'm very impressed that Kamehameha Schools as...I was impressed with that presentation but I see where if you did ask your boss to participate in this, if it's in with the big steps that I heard that Kamehameha Schools is doing throughout the State. So, thank you for putting yourself up there, out there, and your professional expertise is greatly appreciated, and will be an added benefit to the greater picture. I hope that after this Commission ends, you'll sign up for another one. So, thank you.

CHAIR MOLINA: Okay. Thank you.

MR. PARKER: Thank you.

CHAIR MOLINA: Members, I'm gonna excuse Mr. Parker from the podium. Thank you very much, Mr. Parker --

MR. PARKER: Thank you.

CHAIR MOLINA: --for making yourself available today. All right, Members, the Chair is gonna make a recommendation for both Mr. Parker and Mr. Laniias, to add the names of Scott Parker and Stanford Laniias on the resolution to approve as the Mayor's

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

nominees to the Salary Commission; and to allow Staff to make any nonsubstantive changes. Motion is on the floor made by Member Sugimura. Is there a second?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Member Lee. Okay. Floor is open for discussion. Okay. Seeing none, then the Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The Chair will mark it unanimous, nine-zero.

VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO APPROVE THE APPOINTMENT OF SCOTT PARKER AND STANFORD LANIAS TO THE SALARY COMMISSION AND FILING OF RESOLUTION TO DISAPPROVE.

CHAIR MOLINA: We have one more consideration, Members. And that was I believe from Member Rawlins-Fernandez related to Mr. Cannon, the nominee for the Cultural Resources Commission. Oh, I'm sorry, Ms. Paltin. Ms. Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. So, my concerns with Mr. Cannon stem from, you know, just following the news, and I believe he was the former chairperson for the Wailuku Main Street Association. And, you know, I know that they were investigated by the Deputy Attorney General Hugh Jones, for fraud and financial malfeasance. And I'm not making any decision about that situation. For me, a lot of it is based on, you know, the behavior and the way that he presented himself. I don't think it's becoming of someone that we appoint to the board, you know. And then, you know, there was his refusal under oath to divulge where the remaining Wailuku

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

Main Street Association assets were. I felt that he was not very respectful to the media and in dealing with Deputy Attorney General, Mr. Jones. I can't support this nominee at this time. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Paltin. I'd like to ask the Administration your comments with regards to the nomination of Mr. Cannon to fill the architect position on the CRC.

MS. BAISA: Thank you very much, Chair. Honestly, we had a very, very difficult finding this person. And Tom Cannon volunteered and sent in an application. And so, we were very happy to have a volunteer and didn't really have any of those concerns.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Members, any other comments as it relates to the nomination of Mr. Tom Cannon to the Cultural Resources Commission prior to the Chair making a recommendation? Seeing none, Chair, yes, I guess it's sometimes very difficult to find people of certain skills that are required of our commissions. So, I can understand where the Administration is from. And I can also understand your concerns, Ms. Paltin. I guess in this case, well, I'll speak for myself. I wanna give that person the benefit of the doubt. And obviously, if Mr. Cannon engages in any situations where there may be some concern, the Administration will monitor that and take appropriate action if necessary. I do know Mr. Cannon on a personal basis from prior meetings and years passed to discuss community issues. So, he seems very knowledgeable. Yes, he is a very strong and opinionated individual but I see nothing wrong with being strong and opinionated as it relates to democracy. That's what it's about. We may agree or disagree. But he seems to be someone who will certainly engage himself in the community issues whether you agree with him or not. So, I'm just happy that as a volunteer, he's willing to lend his services to the County of Maui. And again, every board and commission nominee is upheld to a code of behavior and ethics. If there is anything inappropriate going on, I'm sure the Mayor will hear about it. You have that say as well, Councilmembers. So, I'll leave at that. So, the Chair will support placing the name of Tom Cannon on the resolution to approve as the nominee to the Cultural Resources Commission as the architect holder so to speak; and to allow Staff to make any nonsubstantive revisions. Is there a motion on the floor?

COUNCILMEMBER LEE: So move.

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: Moved --

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: --by Member Lee, seconded by Member Sugimura. Any discussion?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, it's kind of disturbing thinking about someone with this history that we're gonna be approving. And I don't really agree that anybody who's going to step up should just automatically be approved by virtue of the...of being willing to step up. You did some really good, Chair, recommendations as far as bringing in some of the nominees to answer, you know, who might have had some conflicts or some issues, and I would rather...I'd like to see this person also come forward before I vote for them. So, I'm not going to be voting in favor right at this point.

CHAIR MOLINA: Okay. So noted, Chairman King. Any other discussion as it relates to the motion on the floor? Okay. Seeing none, the Chair will call...oh, excuse me, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to restate, I understand it's hard to find architects but I don't think that should lower our standards. And, you know, a person's behavior in these types of board and commission represent all of us, the County as a whole. And I just don't think that's it's appropriate for somebody with a past history of ridiculing, you know, people that are doing their job. I just don't think it's appropriate.

CHAIR MOLINA: Okay. Thank you for your comments, Member Paltin. Okay.

COUNCILMEMBER KING: Chair? Just --

CHAIR MOLINA: Yes?

COUNCILMEMBER KING: --a question, we did already approve Daniel Kanahale for the CRC?

CHAIR MOLINA: Yes.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: I believe we did --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --take action on Mr. Kanahale. So, he will move on to the full Council for --

COUNCILMEMBER KING: Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CHAIR MOLINA: --the vote. Okay. Seeing no other discussion, Members, Chair will call for the vote with regards to Mr. Cannon. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBERS VOICED NO.

CHAIR MOLINA: Okay. Ms. Espeleta, roll call. Ms. Espeleta, do you need a moment? I'm sorry to catch you off-guard.

MS. ESPELETA: Thank you, Mr. Chair. Starting with Councilmember Sinenci?

COUNCILMEMBER SINENCI: No.

MS. ESPELETA: Councilmember King?

COUNCILMEMBER KING: No.

MS. ESPELETA: Councilmember Lee?

COUNCILMEMBER LEE: Aye.

MS. ESPELETA: Councilmember Hokama is excused. Councilmember Paltin?

COUNCILMEMBER PALTIN: No.

MS. ESPELETA: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Aye.

MS. ESPELETA: Councilmember Kama?

COUNCILMEMBER KAMA: No.

MS. ESPELETA: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

MS. ESPELETA: Chair Molina?

CHAIR MOLINA: Aye.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

MS. ESPELETA: The vote is three “ayes,” five “noes,” and one excused, Councilmember Hokama. The motion --

CHAIR MOLINA: Okay.

MS. ESPELETA: --fails.

VOTE: AYES: Chair Molina, Councilmembers Lee and Sugimura.

NOES: Vice-Chair Rawlins-Fernandez, Councilmembers Kama, King, Paltin, and Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION FAILED.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. So, the motion fails. So, Mr. Cannon will go as a recommendation to the full Council as a disapproval. So, now what we need to do I believe is to take action on the resolution to disapprove. Okay. So, Chair will now entertain a motion to place the name of Tom Cannon on the resolution to disapprove as the Mayor’s nominee to the Cultural Resources Commission.

COUNCILMEMBER PALTIN: So moved.

CHAIR MOLINA: Moved by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Is there a second? Second by Member Rawlins-Fernandez. Any discussion? Okay. Seeing none, Chair will call for the vote. All those in favor of the motion to disapprove Mr. Cannon to the Cultural Resources Commission, signify by saying “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER LEE: No.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

COUNCILMEMBER SUGIMURA: No.

CHAIR MOLINA: Chair votes no. So, if I'm correct we have five "ayes," for the disapproval and three "noes," for the disapproval. So, the motion or what will --

COUNCILMEMBER KING: And one excused.

CHAIR MOLINA: --carry over now will go as a recommendation to disapprove by a five-to-three vote to the Council.

VOTE: AYES: Vice-Chair Rawlins-Fernandez, Councilmembers Kama, King, Paltin, and Sinenci.

NOES: Chair Molina, Councilmembers Lee and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION TO DISAPPROVE THE APPOINTMENT OF THOMAS CANNON (ARCHITECT) TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION AND FILING OF RESOLUTION TO APPROVE.

CHAIR MOLINA: All right. Ms. Espeleta, is there any other business on our agenda today? The Chair had asked you for a recess date to consider but I guess we don't need I believe so, right?

MS. ESPELETA: No, nothing further, Mr. Chair.

CHAIR MOLINA: Thank you very much. Chair would like to thank all of you for your very hard and diligent work today on all of our nominees to our various boards and commissions. Thank you very much to Ms. Baisa. We appreciate your information and insight on to these matters as well.

MS. BAISA: Thank you very much, and the Mayor also thanks you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

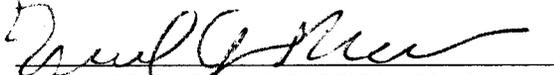
Council of the County of Maui

February 12, 2019

CHAIR MOLINA: All right. Very good. So, if there are no other business, Members it is ten minutes after the noon hour on Tuesday, February 12th. This GET meeting for today is now adjourned. . . . (*gavel*) . . .

ADJOURN: 12:07 p.m.

APPROVED BY:



MICHAEL J. MOLINA, Chair
Governance, Ethics, and Transparency
Committee

get:min:190212:acqp

Transcribed by: Ann Carmel Q. Pugh

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

February 12, 2019

CERTIFICATE

I, Ann Carmel Q. Pugh, 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 11th day of March, 2019, in Kihei, Hawaii

A handwritten signature in cursive script, appearing to read 'A. Carmel Q. Pugh', is written over a horizontal line.

Ann Carmel Q. Pugh