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MAUI COUNTY BOARD OF ETHICS

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held at the Planning Conference Room, Kalana Pakui Building, 250 High Street, Wailuku, Maui, Hawaii, commencing at 12:32 p.m., on June 12th, 2019.

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

BOARD MEMBERS PRESENT:

CHAIRPERSON:	MATTHEW MACARIO
	SARA GADARIAN
	RACHEL PHILLIPS
	WILLIAM CURTIS, JR.
	DAVID WEISS
	GERALDINE LEWIS

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL:	GARY MURAI
COMMISSION SECRETARY:	CORY-LYNN VICENS

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00:00:22 1 (June 12th, 2019, 12:32 p.m.)

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00:11:57 3 CHAIR MACARIO: (Gavel.) All right. Calling the

00:11:59 4 June 12th, 2019 meeting of the Maui County Board of Ethics to

00:12:08 5 order. The first item on our agenda is review and approval of

00:12:12 6 the May 8th, 2019 minutes. Is there a motion to approve those

00:12:12 7 minutes?

00:12:12 8 MEMBER GADARIAN: Move to approve the minutes of

00:12:13 9 May 8th, 2019.

00:12:14 10 CHAIR MACARIO: Okay. Is there a second?

00:12:15 11 MEMBER WEISS: Second.

00:12:18 12 CHAIR MACARIO: Any discussion?

00:12:18 13 (No response.)

00:12:19 14 CHAIR MACARIO: All in favor?

00:12:19 15 (Response.)

00:12:20 16 CHAIR MACARIO: All opposed?

00:12:22 17 (No response.)

00:12:22 18 CHAIR MACARIO: Okay. That carries unanimously.

00:12:24 19 Next item, Public Testimony. Do we have any public

00:12:28 20 testimony today?

00:12:29 21 MS. VICENS: Chair, we do not.

00:12:31 22 CHAIR MACARIO: Thank you.

00:12:32 23 Next item, Old Business, a. Financial Disclosure

00:12:32 24 Statements: None.

00:12:37 25 b. Communication Items: None.

00:12:40 1 Item 5, New Business, a. Financial Disclosures:

00:12:44 2 None.

00:12:46 3 b. Communication items: None.

00:12:48 4 Item c. Review of Chair's letter to Mayor Mike
00:12:55 5 Victorino and Chair Kelly King regarding the Private use of
00:12:57 6 the Maui seal and whether Maui County Board of Ethics should
00:13:01 7 consider issuing an Advisory Opinion on the matter. We've got
00:13:06 8 some materials that were in our packet about the seal
00:13:06 9 generally and I know that we invited folks from the mayor's
00:13:11 10 office and/or the council to be available in the event of any
00:13:16 11 questions.

00:13:16 12 Do you know if anybody responded to that invitation,
00:13:20 13 if anybody here is from the mayor's office or the council?
00:13:25 14 Okay.

00:13:25 15 MS. VICENS: No.

00:13:25 16 CHAIR MACARIO: All right. Thank you.

00:13:27 17 So at this point I think I'm going to turn over to
00:13:31 18 Gary, since he's done a little bit of research on the issue
00:13:35 19 and he can help us direct the discussion.

00:13:38 20 MR. MURAI: Okay. Members, you may recall that in
00:13:42 21 the -- recently we had, you know, seen examples of, you know,
00:13:47 22 board and commission members who on their social media pages
00:13:52 23 would use the county seal on like -- well, on things like
00:13:58 24 Facebook and LinkedIn would correctly, you know, state their
00:14:04 25 title and their position as a county officer; in other words,

00:14:08 1 you may remember a member of liquor commission said that he
00:14:13 2 was a liquor commissioner and used the county seal and the
00:14:16 3 board was -- you know, that kind of piqued the board's
00:14:20 4 curiosity, you know, when is it appropriate to use the county
00:14:24 5 seal for nonpublic or for personal purposes?

00:14:27 6 And you folks may also remember that in the past,
00:14:33 7 we've had -- I guess one thing that we can compare it to is
00:14:37 8 when county employees will -- well, we already have
00:14:42 9 prohibitions against using county letterhead for personal
00:14:45 10 business and like say, for example, you're submitting
00:14:48 11 testimony before the county council, you can say that, you
00:14:52 12 know -- or anywhere, for that matter, you can say that, well,
00:14:56 13 you're a county officer or a county employee, but you cannot
00:15:01 14 use the letterhead. So we were wondering the same thing, you
00:15:04 15 know, when is it appropriate to use or not be able to use the
00:15:07 16 county seal.

00:15:08 17 And our -- our county code will -- provides for the
00:15:14 18 creation of a county seal and it says it must -- you know, it
00:15:19 19 must have a -- it must depict the four islands, it must have
00:15:24 20 a, you know, image of Haleakala and, you know, something like
00:15:28 21 that. And so what I did was I took a look at the other
00:15:32 22 counties and the state, and they have similar ordinances that
00:15:35 23 create a county seal, but then they also have another
00:15:39 24 ordinance regarding the use of the county seal. And so what
00:15:44 25 you have in front of you is the state's, you know, rule and

00:15:52 1 Hawaii County and City and County of Honolulu's rules. I
00:15:57 2 couldn't find something for Kauai. That doesn't mean they
00:16:01 3 don't have one, that just means I couldn't find, but I presume
00:16:06 4 they may have something. So except for Kauai, we're the only
00:16:11 5 county that creates a seal, but does not have any rules
00:16:15 6 regarding private use.

00:16:16 7 So we -- what we did was we invited the mayor and
00:16:20 8 the council chair to weigh in and see whether they had any
00:16:25 9 position, and I guess from what we heard earlier, we've
00:16:28 10 received no response.

00:16:30 11 So what the board -- the way this matter is framed
00:16:35 12 for the board is it's calendared or agendized as an advisory
00:16:41 13 opinion. In other words, instead of coming from the outside,
00:16:44 14 the board generated its own request for an advisory opinion
00:16:48 15 and so what the board is -- may consider today is whether the
00:16:52 16 board wants to issue guidance. And to do that, I would
00:16:57 17 suggest that we look at, for example, the charter, which says
00:17:04 18 that -- specifically 10-4, paragraph 1(d), "No officer or
00:17:23 19 employee of the county shall: Use county property or
00:17:27 20 personnel for other than public activity or purpose."

00:17:30 21 Now, this is the rule we always use when there's a
00:17:34 22 question of whether it was appropriate for a county employee
00:17:38 23 to use, say, a county vehicle for private business or county
00:17:42 24 equipment or county time to conduct, you know, personal
00:17:45 25 business or whatever the case may be. So for the board to

00:17:49 1 issue an advisory opinion on the county seal, I would suggest
00:17:53 2 that the board would have to first construe the county seal as
00:17:58 3 county property and then issue guidance as to when the seal
00:18:02 4 may be used.

00:18:03 5 Now, I admit that after thinking about it, even if
00:18:07 6 the board were to do that, the board would be somewhat
00:18:13 7 constrained in that because this board's jurisdiction is over
00:18:18 8 county employees, you know, our opinions, our advice would
00:18:22 9 only guide the 2500 or so county employees, it would have no
00:18:27 10 effect on, say, private businesses or private entities that
00:18:30 11 may want -- that may utilize the county seal for whatever
00:18:34 12 reason. The kinds of concerns that people generally have is,
00:18:38 13 you know, say a private business may, you know, intentionally
00:18:44 14 or not intentionally misled the public by using a county seal
00:18:48 15 and implying that it's a county project or the county has
00:18:52 16 endorsed it or whatever the case may be.

00:18:55 17 So in my, you know, conversations with Matt, you
00:19:00 18 know, we think that the board has two options here:

00:19:04 19 The board could go ahead and consider this matter
00:19:09 20 and issue an advisory opinion knowing that if -- we may be
00:19:14 21 somewhat constrained because our jurisdiction is over county
00:19:18 22 employees.

00:19:19 23 Or the board could defer the matter and say, You
00:19:24 24 know what, Mayor, Council Chair, we -- you know, we have a
00:19:29 25 concern about the private use of the county seal, but we

00:19:32 1 noticed that every other jurisdiction in the State of Hawaii
00:19:36 2 has ordinances or statutes that regard the use. We notice
00:19:41 3 that Maui County has none; therefore, you know, you may want
00:19:45 4 to consider enacting an ordinance.

00:19:47 5 You know, using -- limiting the use of the county
00:19:51 6 seal can be tricky. It's easy enough, Well, you can't use it
00:19:57 7 for commercial purposes or to promote a commercial usage or
00:20:01 8 product or that kind of thing. Where it gets tricky is when,
00:20:06 9 you know, let's say we told that commissioner who used the
00:20:10 10 seal on his Facebook page, you cannot use a county seal, but
00:20:16 11 what if instead of applying the seal or putting the seal on
00:20:18 12 his Facebook page, he posted a picture of himself standing in
00:20:22 13 front of the county seal, you know. There's gray areas.

00:20:26 14 Another concern is sometimes, you know, we would
00:20:30 15 not -- sometimes you run into problems in limiting the use of
00:20:34 16 the county seal, let's say, if there was a political
00:20:38 17 cartoonist who wanted to use the seal or, you know, modify the
00:20:43 18 seal and put his picture on the county seal as a parody or
00:20:48 19 something like that, we would be -- we would not be able to
00:20:51 20 control that because that would -- that may infringe on free
00:20:54 21 speech rights. So clearly the -- you can limit commercial
00:21:01 22 use, you probably cannot limit editorial use.

00:21:07 23 And I think when you look at the various ordinances
00:21:13 24 that the state and the counties have enacted -- personally, I
00:21:16 25 like the state one the best, it's short, it's kind of to the

00:21:20 1 point, it makes misuse a misdemeanor.

00:21:23 2 So, anyway, I'll be glad to answer questions you
00:21:27 3 folks may have, but I think that's the two routes that the
00:21:32 4 board can go, consider -- you know, consider the matter and
00:21:36 5 decide whether to issue an advisory opinion to the -- to
00:21:42 6 county employees knowing that, you know, you're kind of
00:21:44 7 limiting your -- the scope of your opinion, or, you know,
00:21:51 8 decide whether to recommend or request that the mayor and
00:21:56 9 the -- and/or the council enact an ordinance that regards the
00:22:05 10 use of the county seal. Or both, a combination of both.

00:22:09 11 CHAIR MACARIO: For what it's worth, my
00:22:12 12 recommendation is to go with Option 2. I just think because
00:22:14 13 of the absence of any statute on it, we'd be almost
00:22:18 14 overreaching if we were to say, This is what we think it is.
00:22:22 15 I think we need to at least give them an opportunity to enact
00:22:23 16 something.

00:22:24 17 MEMBER CURTIS: And I would suggest maybe just
00:22:26 18 giving some examples that this has come up several times
00:22:30 19 recently and it may be appropriate to...

00:22:34 20 CHAIR MACARIO: One other thing I would point out is
00:22:36 21 that I did some looking into this on my own and the
00:22:39 22 commissioner that we've been talking about, of course, used
00:22:42 23 the county seal on his LinkedIn page and I was wondering if
00:22:46 24 that was an automatic thing when you put County of Maui on
00:22:51 25 your LinkedIn page and I think that's the case. I think

00:22:53 1 LinkedIn actually recognizes County of Maui and has an image
00:22:56 2 associated with that, almost like an avatar that it just puts
00:22:59 3 up automatically. I know some friends in the county
00:23:01 4 government who have on their LinkedIn pages the County of Maui
00:23:04 5 same seal. So it may not be deliberate by these people, is
00:23:08 6 what I'm saying, so...

00:23:10 7 MEMBER WEISS: My question, Gary, and maybe with
00:23:13 8 your corp counsel hat on: Have you guys looked at it from a
00:23:17 9 liability standpoint? For example, using that seal, does it
00:23:20 10 expose the county? And so wouldn't that be something to be
00:23:23 11 generated from your office, or at least a review?

00:23:28 12 MR. MURAI: Well, if it's unauthorized use, then the
00:23:29 13 county -- well, someone may -- you know, let's say someone put
00:23:32 14 the county seal on their new miracle drug that promises to
00:23:37 15 cure everything and the thing doesn't work, in fact, it's
00:23:41 16 worse than it doesn't work, it's actually harmful, and the
00:23:46 17 consumer sues the county. I don't think we'd be liable
00:23:51 18 because we never authorized the use and, you know, if we found
00:23:55 19 out about it, we'd try to stop it, you know.

00:23:58 20 MEMBER WEISS: More importantly, for example, this
00:24:00 21 one commissioner had it on his as promotion in his bar
00:24:05 22 promoting, for example, and I do a deal and the guy goes, I
00:24:08 23 can do -- can make this happen because I've got this position,
00:24:11 24 it fell through and then you claim sort of like, Hey, we
00:24:15 25 believed this guy -- that's why I thought it would maybe come

00:24:18 1 from your office. But there has to be something, there has to
00:24:21 2 be something.

00:24:23 3 MR. MURAI: No. I wouldn't be overly concerned
00:24:26 4 about the county's liability in that example, especially if
00:24:30 5 the use is unauthorized. In other words, you know -- well,
00:24:31 6 which is why it's good to have a rule against it.

00:24:33 7 MEMBER WEISS: Yeah. Whether it's currently
00:24:35 8 authorized because there's no rule.

00:24:37 9 MR. MURAI: Well, I wouldn't say that it's
00:24:38 10 authorized, it's just that the law is silent.

00:24:39 11 MEMBER WEISS: Silent.

00:24:40 12 MR. MURAI: There's no -- there's no guidance.

00:24:43 13 MEMBER WEISS: I would agree with Bill and Matt.

00:24:45 14 CHAIR MACARIO: Sara, do you have something?

00:24:48 15 MEMBER GADARIAN: Well, I have a question in that --
00:24:53 16 and you were talking about the limitations of an advisory
00:24:57 17 opinion, doesn't that advisory opinion also apply to officers,
00:25:05 18 meaning boards and commissions?

00:25:07 19 MR. MURAI: Mm-hmm.

00:25:08 20 CHAIR MACARIO: Yes.

00:25:10 21 MEMBER GADARIAN: So it's not just county employees,
00:25:12 22 but county --

00:25:14 23 MR. MURAI: Well, I -- if I said county employees
00:25:16 24 only, I misspoke. I meant officers and employees.

00:25:16 25 MEMBER GADARIAN: Okay. Got it.

00:25:20 1 MR. MURAI: In other words, every -- anyone who's
00:25:21 2 subject to the code of ethics.

00:25:26 3 MEMBER GADARIAN: Well, considering how long it
00:25:29 4 takes to get anything enacted, I'm tending to start with an
00:25:36 5 advisory opinion, but tell the council that we recommend that
00:25:44 6 it be an ordinance because it would have more teeth in it and
00:25:49 7 enforcement, but that's --

00:25:53 8 MEMBER CURTIS: And that's where I was -- maybe if
00:25:55 9 we didn't hear from them within a month or two, we would
00:26:00 10 proceed with an advisory opinion, but it would probably be
00:26:04 11 better through an ordinance.

00:26:06 12 CHAIR MACARIO: I kind of like that idea. I want to
00:26:08 13 at least give them the opportunity to act before we act
00:26:12 14 ourselves, that's my personal belief. I don't mean to foist
00:26:18 15 that on all of you, but I -- I'm concerned about us kind of
00:26:21 16 being a little bit too aggressive here and I would like to at
00:26:25 17 least let the process have an opportunity to work first.

00:26:29 18 MEMBER WEISS: I agree.

00:26:30 19 CHAIR MACARIO: All right. Does anybody want to
00:26:32 20 make a motion on that? I think if I'm hearing what you're
00:26:35 21 saying, it would be a motion to send a letter to the mayor and
00:26:40 22 the council identifying the potential issue and recommending
00:26:46 23 that they enact legislation and give them some examples of
00:26:52 24 situations that have come before us and some of the other ways
00:26:57 25 in which other bodies do this. Is that pretty much what you

00:27:01 1 said?

00:27:01 2 All right. Is anybody willing to say that in a

00:27:05 3 motion? Just say so moved.

00:27:05 4 MEMBER WEISS: So moved.

00:27:07 5 MEMBER CURTIS: So moved.

00:27:08 6 CHAIR MACARIO: All right. Is there a second?

00:27:09 7 MEMBER CURTIS: Second.

00:27:10 8 CHAIR MACARIO: Any discussion?

00:27:11 9 (No response.)

00:27:11 10 CHAIR MACARIO: All in favor.

00:27:11 11 (Response.)

00:27:12 12 CHAIR MACARIO: All opposed?

00:27:12 13 (No response.)

00:27:13 14 CHAIR MACARIO: Okay. Gary, do you have what you

00:27:16 15 need for that?

00:27:17 16 MR. MURAI: I -- I think so.

00:27:18 17 CHAIR MACARIO: Okay. Great.

00:27:20 18 MEMBER GADARIAN: We can say that it's a unanimous

00:27:23 19 opinion.

00:27:24 20 CHAIR MACARIO: Yes. Thank you. That carried

00:27:26 21 unanimously. Thank you.

00:27:28 22 And I think we just sort of collectively agreed also

00:27:31 23 that we'll give a reasonable amount of time to see if they act

00:27:34 24 on this and if not, we'll --

00:27:35 25 MR. MURAI: You can always bring it back up.

00:27:38 1 CHAIR MACARIO: -- bring it back for further
00:27:40 2 discussion and potential action. Okay.

00:27:42 3 MEMBER GADARIAN: Thank you.

00:27:43 4 CHAIR MACARIO: All right. Next item on the agenda
00:27:45 5 is 5d. Request for an Advisory Opinion dated June 4, 2019 from
00:27:51 6 former County of Maui employee, Mikki Klee, Engineer IV,
00:27:54 7 Department of Public Works-Engineering Division, regarding
00:27:56 8 potential conflict of interest by accepting employment with a
00:28:00 9 private company as a Project Engineer.

00:28:03 10 Is Ms. Klee here today?

00:28:05 11 Okay. Would you mind coming up? Thank you.

00:28:07 12 MR. MURAI: You folks can all come up.

00:28:08 13 CHAIR MACARIO: Yeah, everybody comes up, whoever's
00:28:10 14 here for this agenda item.

00:28:12 15 MR. MURAI: And are we saying it right? Is it
00:28:13 16 "Klee" or "Klay"?

00:28:13 17 MS. KLEE: "Klee," yeah.

00:28:13 18 MR. MURAI: Okay. Like the painter.

00:28:19 19 MS. KLEE: Yeah. Technically it's "Klay," but when
00:28:22 20 my family migrated to the U.S., it became "Klee."

00:28:28 21 CHAIR MACARIO: Okay. And just so that the record's
00:28:29 22 clear, could you all identify yourselves, starting with you,
00:28:29 23 sir.

00:28:30 24 MR. TAKENO: Ty Takeno, I work for public works
00:28:32 25 department, engineering division and I'm Mikki's supervisor.

00:28:37 1 CHAIR MACARIO: Okay. Thank you.

00:28:37 2 Go ahead.

00:28:38 3 MS. KLEE: And I'm Mikki Klee, I'm an Engineer IV
00:28:40 4 working under Ty for the engineering division.

00:28:44 5 CHAIR MACARIO: Thank you.

00:28:45 6 And you, sir?

00:28:46 7 MR. SMITH: John Smith, I'm the highways division
00:28:48 8 chief for public works, so all the roads and ditches.

00:28:53 9 CHAIR MACARIO: Okay. Great. Thank you.

00:28:55 10 All right. So this is just -- we've got your
00:28:57 11 request, obviously, in the written materials, and so this is
00:29:01 12 just an opportunity for you to tell us what it is that you're
00:29:03 13 proposing to do, give us maybe a little bit more information,
00:29:07 14 and then we might have some questions for you.

00:29:09 15 MEMBER CURTIS: Chair?

00:29:09 16 CHAIR MACARIO: Yes.

00:29:10 17 MEMBER CURTIS: Do we have a quorum if I recuse
00:29:13 18 myself from this matter?

00:29:16 19 CHAIR MACARIO: Yes. Yes, we do.

00:29:17 20 MEMBER CURTIS: I work with the highways department
00:29:21 21 on many items.

00:29:22 22 CHAIR MACARIO: Okay. So for the record, Bill is
00:29:23 23 going to be recusing himself on this agenda item. And
00:29:27 24 discussion, are you going to recuse yourself from that as
00:29:29 25 well, or just voting?

00:29:30 1 MEMBER CURTIS: Just voting.

00:29:31 2 CHAIR MACARIO: Okay, all right.

00:29:32 3 So, yeah, Ms. Klee, if you wouldn't mind just kind
00:29:35 4 of giving us an overview of what it is you're proposing to do,
00:29:38 5 what you did in the past, and any potential conflicts you
00:29:41 6 might foresee.

00:29:42 7 MS. KLEE: Sure. So this is regarding a specific
00:29:46 8 program called the MS4 program, it basically deals with storm
00:29:55 9 water management and helping with environmental management;
00:29:59 10 meaning when it rains, where does that rainwater go and how to
00:30:06 11 prevent it from polluting the ocean. I have assisted in this
00:30:14 12 program with -- underneath Ty.

00:30:19 13 John is the head of the highways division. Before I
00:30:25 14 became an engineer for the county, this was already with the
00:30:32 15 highways division. It was previously with the engineering
00:30:36 16 division.

00:30:38 17 Recently there was a new contract that -- the
00:30:42 18 current contract is expiring in a month, I believe, and there
00:30:46 19 was a new contract developed for the continued management of
00:30:52 20 the MS4 program by Hart Crowser, which is a private firm. I
00:30:59 21 assisted in the paperwork with that. They were already
00:31:04 22 selected as the firm to do this work because they have been
00:31:08 23 the firm to do this work since two thousand -- I put it in
00:31:14 24 here -- sixteen. And that was basically John and his team's
00:31:20 25 decision.

00:31:21 1 I helped to just process the paperwork because they
00:31:28 2 don't -- the highways division -- and correct me if I'm wrong
00:31:33 3 in explaining this, but the highways division doesn't have the
00:31:37 4 same contract management filing system as the engineering
00:31:44 5 division does, so I helped with the paperwork and I also
00:31:49 6 attended the meetings, it was a monthly meetings Ty and I
00:31:55 7 attended. And basically any decision that I've assisted in
00:32:03 8 has gone through either Ty, John, or both.

00:32:09 9 Recently I have accepted a position with Hart
00:32:13 10 Crowser, who is the private firm who will be working on this
00:32:18 11 MS4 contract. So my question is: Is it ethically advised
00:32:27 12 against for me to continue work on this contract underneath
00:32:31 13 the current program manager and -- I guess that's what the
00:32:39 14 question is for the advisory opinion.

00:32:41 15 CHAIR MACARIO: All right. Thank you.

00:32:44 16 Gary, before we move to questions, would you just
00:32:46 17 remind us what the applicable rule is here so it might focus
00:32:51 18 some of our questions.

00:32:53 19 MR. MURAI: Okay. Folks, I turn your attention to
00:32:56 20 first the county charter under the prohibition section.
00:33:00 21 Number 1 -- paragraph 10-4.1(f), "No officer or employee of
00:33:09 22 the county shall: Receive compensation for any service
00:33:12 23 rendered on behalf of any private interest after termination
00:33:16 24 of service to or employment with the county in relation to any
00:33:20 25 case, proceeding or application with respect to which the

00:33:24 1 officer or employee was directly concerned, or which was under
00:33:28 2 his or her active consideration...", so I think that's the
00:33:32 3 significant language, "directly concerned, or was under his or
00:33:36 4 her active consideration."

00:33:40 5 Next we should also look at paragraph 2(b), which
00:33:46 6 says that, "No former non-elected salaried employee or officer
00:33:51 7 of the county shall appear for compensation before any
00:33:55 8 department or other agency of the county by which such
00:33:59 9 employee or officer was last employed within a period of one
00:34:02 10 year after termination of service..." So I don't think that
00:34:08 11 paragraph (d), the section I just read, applies to Ms. Klee
00:34:12 12 because she is not elected and --

00:34:17 13 Mikki, when you work overtime -- you're eligible for
00:34:20 14 overtime; right?

00:34:21 15 MS. KLEE: Yes.

00:34:24 16 MR. MURAI: Okay. So I don't think that she is a
00:34:26 17 salaried -- considered a salaried employee. You know, there
00:34:30 18 are few salaried employees in the department, I think the
00:34:33 19 director and deputy director may be the only ones, so I don't
00:34:37 20 think (b) applies to her, but we need to consider -- now, you
00:34:41 21 heard Ms. Klee talk about, you know, the work she does, the
00:34:46 22 kinds of questions you may want to ask is whether she has any
00:34:50 23 discretionary authority, you know; in order words, whether she
00:34:53 24 makes the approvals or whether she just does the work and
00:34:57 25 Mr. Takeno or Mr. Smith are the real decision-makers.

00:35:04 1 Also, we should take a look at the Maui County Code,
00:35:10 2 Chapter 2.56.050 and what that says is, No former officer or
00:35:22 3 employee of the county shall, for compensation and within a
00:35:25 4 period of one year after termination of service assist any
00:35:29 5 business, person, or act in a representative capacity for any
00:35:35 6 person or business, on matters in which the former officer or
00:35:39 7 employee exercised discretionary power, unless he first files
00:35:46 8 a sworn affidavit with the board of ethics and with the agency
00:35:54 9 indicating that they were not directly concerned with the case
00:35:58 10 or the proceeding or the application.

00:36:01 11 So under the county code if you were handling
00:36:08 12 something while you were a county -- when you're a county
00:36:12 13 employee and you had discretionary authority over it, you
00:36:15 14 could not work on that project for one year unless you filed
00:36:18 15 an affidavit. So that's curable, that's fixable, because it
00:36:24 16 gives people notice that, Hey, I used to work here, and that
00:36:27 17 way that limits any potential problems because the former
00:36:31 18 employee has disclosed it and we all know about it.

00:36:35 19 Anyway, those, I believe, are the three sections
00:36:38 20 that I consider: One of which does not apply to this
00:36:44 21 employee, another of which is curable with an affidavit if, if
00:36:49 22 the employee had discretionary authority, and another one that
00:36:54 23 may be problematic depending on the degree of discretionary
00:37:01 24 authority the employee had and that would have been the County
00:37:06 25 Charter 10-4, paragraph 1(f).

00:37:13 1 MEMBER CURTIS: The ethics section 10-4?

00:37:18 2 MR. MURAI: Yes.

00:37:19 3 MEMBER CURTIS: Item f?

00:37:21 4 MR. MURAI: Yes.

00:37:28 5 MEMBER CURTIS: Is there any information that --
00:37:33 6 under that? Because specific knowledge that she had as a
00:37:37 7 county employee that may carry over to the private --

00:37:40 8 MR. MURAI: Well, that's for you folks to query, you
00:37:44 9 know, what Ms. Klee's involvement -- and, you know, I notice
00:37:47 10 in the request it speaks specifically to Contract No. C
00:37:53 11 dash -- C6747, so the board may want to focus on that
00:37:58 12 contract. I think you heard Ms. Klee say that, you know, the
00:38:01 13 contract is ending, they're going to renew it, so I guess
00:38:05 14 the -- what the board needs to decide is: Does it matter,
00:38:10 15 does it make a difference that it's a different contract? It
00:38:14 16 sounds like it may be the same project, but -- and I'm not an
00:38:19 17 expert in county contracts, maybe Mr. Keno or Mr. Smith may be
00:38:26 18 better able to answer that, but I don't know -- I really don't
00:38:29 19 know whether it's the same thing or is the fact that it's a
00:38:34 20 new contract, does it change things? I don't know. That's
00:38:37 21 why they pay you guys the big bucks.

00:38:41 22 (Laughter.)

00:38:43 23 MEMBER WEISS: Gary, the question I have is -- the
00:38:46 24 discretionary power seems to me the key word. To me that
00:38:51 25 means kind of direct oversight and the authority to make

00:38:52 1 decisions and if I -- unless I misunderstood you, the
00:38:57 2 gentlemen to your right and left at different times you just
00:39:00 3 reported to and helped file paperwork, so does that reach a
00:39:05 4 discretionary position -- power?

00:39:09 5 MR. MURAI: I don't know. I mean -- well, that's
00:39:11 6 for you folks to decide, you know. And maybe the question
00:39:16 7 could be posed to these folks, you know, who makes the final
00:39:19 8 decisions, you know, who has the authority, is it the director
00:39:24 9 or, you know -- I don't know whether Ms. Klee as an
00:39:31 10 Engineer V --

00:39:32 11 MS. KLEE: IV.

00:39:34 12 MR. MURAI: Sorry. I just promoted you.

00:39:40 13 (Laughter.)

00:39:40 14 MEMBER WEISS: Yeah, so that's -- you were just
00:39:43 15 assisting in filing paperwork and they were the decision-
00:39:47 16 makers and discretionary powers? Is that -- do you think
00:39:49 17 that's how you would describe your involvement?

00:39:53 18 MR. TAKENO: I wouldn't say just filing papers. I
00:39:56 19 think the -- I think what happened was this new -- this is a
00:40:00 20 new contract, right, it's a new contract, but what happened
00:40:04 21 was I -- this program got turned over to our highways division
00:40:08 22 and at that time highways division just hired their own -- so
00:40:12 23 we, engineering division had this responsibility and we
00:40:16 24 transferred it to highways division personnel -- correct me if
00:40:21 25 I'm wrong, John -- so when they hired the new personnel, he

00:40:24 1 was just being hired, so at that time we just helped -- we
00:40:26 2 just assisted him in preparing the contract for them. So we
00:40:30 3 just -- we didn't -- I wouldn't say just filed paperwork, but,
00:40:35 4 you know, we assisted in doing the contract. But the contract
00:40:38 5 is really -- this new contract is with the highways division,
00:40:41 6 so we just kind of assisted them to do this.

00:40:45 7 MR. SMITH: There's a couple things for background
00:40:46 8 to understand this. The way we're organized, I think it might
00:40:49 9 be a little confusing as I'm sitting here watching this. So
00:40:52 10 public works has three different divisions: DSA, highways
00:40:57 11 division, which I'm the chief of that division, and
00:40:59 12 engineering division has a separate chief. This program, the
00:41:05 13 entire program -- it's the same work, but the entire program
00:41:09 14 moved from the engineering division to my division.

00:41:11 15 Meanwhile, Mikki came to work for the county --

00:41:14 16 How long have you been working for --

00:41:16 17 MS. KLEE: About a year and a half.

00:41:18 18 MR. SMITH: Okay. She came in and we didn't have an
00:41:21 19 engineer that could process the paperwork -- we now have an
00:41:25 20 engineer, which is Mike Kahano -- so she filled in under Ty's
00:41:32 21 direction to process this contract and that's -- I mean,
00:41:37 22 that's kind of the extent of it. Now the entire program is
00:41:41 23 moving to highways effective 2020.

00:41:45 24 MEMBER WEISS: So I guess my last question is: Did
00:41:49 25 you have authority to make a change in the contract without

00:41:51 1 checking?

00:41:52 2 MS. KLEE: (Shaking head.)

00:41:54 3 MEMBER WEISS: So that --

00:41:54 4 CHAIR MACARIO: What was the answer? Was the answer

00:41:56 5 no?

00:41:56 6 MS. KLEE: No. Sorry, I'm shaking my head, but I

00:42:00 7 should be verbal.

00:42:01 8 MR. MURAI: And so, Mikki, for the time that you

00:42:03 9 were working for the county, you were in the engineering

00:42:06 10 section?

00:42:07 11 MS. KLEE: Yes, correct.

00:42:09 12 MR. MURAI: And with Hart Crowser henceforth you'll

00:42:12 13 be working with the transportation section?

00:42:17 14 MS. KLEE: Highways.

00:42:18 15 MR. SMITH: Highways.

00:42:20 16 MR. MURAI: I'm sorry, highways, yeah.

00:42:22 17 Okay. So, folks, just so you understand -- and I

00:42:23 18 know John alluded to it -- you know, the county is divided --

00:42:26 19 I mean the department is divided into three sections, each

00:42:29 20 with its own division chief and -- who reports to the

00:42:33 21 director, so they're separate --

00:42:40 22 Is it fair to say that you guys are separate

00:42:42 23 entities within the same department?

00:42:44 24 MR. SMITH: That's correct. We like to say we work

00:42:46 25 together without the silo, but it's not always true.

00:42:50 1 CHAIR MACARIO: It's just the -- is Rowena the
00:42:55 2 director that we're talking about?

00:42:56 3 MR. SMITH: Yeah.

00:42:57 4 CHAIR MACARIO: Okay. Ms. Klee, your letter
00:42:59 5 mentions that you have resigned, but it doesn't give a date.
00:43:03 6 Are you still technically employed or have you resigned?

00:43:08 7 MS. KLEE: Correct. My last day is July 15th.

00:43:12 8 CHAIR MACARIO: Okay. So you're still technically a
00:43:15 9 county employee until July 15th?

00:43:17 10 MS. KLEE: Correct.

00:43:18 11 MEMBER GADARIAN: And what are you doing now before
00:43:21 12 July 15th? What is your interaction with Hart Crowser?

00:43:27 13 MS. KLEE: Basically the same as it has been. I
00:43:33 14 haven't -- actually, I'm not sure if I'll be attending this
00:43:37 15 next monthly meeting, but that's been the majority of my
00:43:43 16 involvement, is attending the monthly meetings. I am trying
00:43:49 17 to get our director, in coordination with the mayor's office,
00:43:57 18 with an MS4 MOA and that's all that I've done.

00:44:03 19 MR. SMITH: That's something that's been going on
00:44:06 20 since 2014 when she also just stepped in and sent a couple
00:44:12 21 emails. I mean, that's --

00:44:14 22 CHAIR MACARIO: Okay. I don't want to put either of
00:44:17 23 you on the spot, but since you're both here. Do either of you
00:44:21 24 have any concerns about this request or are you here to
00:44:24 25 support Ms. Klee's request?

00:44:26 1 MR. TAKENO: I'm here -- I have no objections, so I
00:44:29 2 guess I'm here in support.

00:44:31 3 CHAIR MACARIO: And what about you, Mr. Smith?

00:44:32 4 MR. SMITH: Yeah. No, I see no issues with it, but
00:44:36 5 I thought it was smart of her to come and let everybody know
00:44:40 6 what's going on because it could be perceived as some sort of
00:44:45 7 an ethical thing, but I personally don't see an issue with it.
00:44:50 8 I'm probably the most familiar with this contract and probably
00:44:55 9 have the most authority to change things. I mean, she -- no
00:44:59 10 offense, Mikki, but she's just a Civil Engineer IV, which
00:45:04 11 there's like so many other pecking orders to get to her. But
00:45:07 12 I applaud her effort today before she makes this move, so...

00:45:12 13 MS. KLEE: So you know the hierarchy, John's an
00:45:16 14 Engineer VII, Ty's an Engineer VI, and I'm a IV.

00:45:19 15 CHAIR MACARIO: Thank you.

00:45:20 16 Any other questions for anyone?

00:45:21 17 MEMBER GADARIAN: This is not a question, but would
00:45:28 18 you be -- would you be willing to sign an affidavit as
00:45:37 19 indicated in the -- the affidavit indicates that what?

00:45:45 20 MR. MURAI: Sorry. If I may.

00:45:47 21 MEMBER GADARIAN: Say again.

00:45:48 22 MR. MURAI: I'll clarify. For 2.56.050 to apply,
00:45:56 23 this applies, number one, first to employees who had
00:46:00 24 discretionary authority.

00:46:03 25 MEMBER GADARIAN: Oh.

00:46:04 1 MR. MURAI: If the board, based on the -- what it's
00:46:08 2 heard so far, decides that, yep, Ms. Klee had discretionary
00:46:13 3 authority, then she would have to file an affidavit that says
00:46:21 4 that she was not directly concerned with the case, proceeding
00:46:25 5 or application and the case was not under her active
00:46:30 6 consideration, but that's only if you find that she has -- in
00:46:35 7 other words --

00:46:35 8 MEMBER GADARIAN: Yes, I see.

00:46:36 9 MR. MURAI: -- if she -- if she had discretionary
00:46:38 10 power --

00:46:38 11 MEMBER GADARIAN: Okay. Thank you.

00:46:39 12 MR. MURAI: -- she could say, Oh, no, I wasn't
00:46:41 13 concerned with that.

00:46:41 14 MEMBER GADARIAN: Thank you.

00:46:42 15 MR. MURAI: But, like I said, the first -- the
00:46:44 16 threshold issue is: Did the employee have discretionary
00:46:48 17 power?

00:46:49 18 MEMBER CURTIS: And I think we're determining that
00:46:53 19 she does not. That's in my view.

00:46:56 20 MR. MURAI: Well, that's --

00:46:57 21 (Laughter.)

00:47:00 22 MEMBER CURTIS: Based on the testimony.

00:47:02 23 CHAIR MACARIO: Which you're not voting on; right?

00:47:05 24 (Laughter.)

00:47:08 25 CHAIR MACARIO: All right. Any other questions for

00:47:10 1 Ms. Klee or anyone else?

00:47:10 2 (No response.)

00:47:12 3 CHAIR MACARIO: All right. Thank you all.

00:47:15 4 Is anyone willing to make a motion on this here, on
00:47:19 5 the request for an advisory opinion?

00:47:20 6 MEMBER WEISS: I don't know if it's a motion,
00:47:23 7 because I don't see a conflict. So do we still make a motion
00:47:29 8 that we don't believe an advisory opinion is necessary or --

00:47:32 9 CHAIR MACARIO: Well, I think we do need to issue an
00:47:33 10 advisory opinion.

00:47:35 11 MR. MURAI: Well, we should probably, but --

00:47:36 12 MEMBER GADARIAN: She requested one.

00:47:37 13 MR. MURAI: We would issue an advisory opinion that
00:47:40 14 says -- if I think you're going where I think you're going,
00:47:44 15 David, you would be still issuing an advisory opinion saying
00:47:47 16 that under these facts, there is no -- there is no impediment
00:47:53 17 based on the code of ethics to Ms. Klee accepting the new
00:47:58 18 position with Hart Crowser.

00:48:02 19 MEMBER WEISS: I would recommend that. That's my
00:48:04 20 recommendation.

00:48:04 21 CHAIR MACARIO: So is that your motion?

00:48:06 22 MEMBER WEISS: I would -- yes.

00:48:06 23 CHAIR MACARIO: Okay.

00:48:07 24 MEMBER WEISS: That's my motion. I recommend an
00:48:10 25 advisory opinion is issued regarding the facts that we heard

00:48:16 1 today, that we do not see a conflict. Is that close enough?

00:48:20 2 MR. MURAI: Well, I think it would be based on the
00:48:22 3 fact that you've determined -- well, basically apart from the
00:48:26 4 fact that you've determined that Ms. Klee, who I'm -- it
00:48:30 5 sounds like she's a smart engineer, did not have discretionary
00:48:34 6 authority; in other words, she did not have the authority
00:48:36 7 herself to make decisions, you know. It sounds like she
00:48:42 8 worked up -- she worked up matters and --

00:48:46 9 Correct me if I'm wrong, folks. I don't want to put
00:48:48 10 words in anyone's mouth.

00:48:50 11 But she would, you know -- she would work it up,
00:48:53 12 make -- show her work to Mr. Takeno, who maybe he would -- he
00:48:59 13 would approve it or maybe the director would approve it, I
00:49:02 14 don't know, but the main thing is that -- I think the main
00:49:05 15 issue for this board is whether Mikki herself had
00:49:10 16 discretionary authority.

00:49:12 17 MEMBER WEISS: So I guess the motion is based on the
00:49:14 18 facts today, the board doesn't feel that she had discretionary
00:49:18 19 power over the contract and, therefore, we don't see a
00:49:21 20 conflict.

00:49:21 21 CHAIR MACARIO: I think that's --

00:49:22 22 MR. MURAI: I wouldn't say that. I would say that
00:49:25 23 she may accept her -- her employment with Hart Crowser.

00:49:30 24 MEMBER WEISS: She may accept her employment with
00:49:35 25 Hart -- whatever he said.

00:49:36 1 CHAIR MACARIO: Is there a second?

00:49:37 2 MEMBER GADARIAN: Second. Second for the record.

00:49:38 3 CHAIR MACARIO: Any other discussion?

00:49:39 4 (No response.)

00:49:39 5 CHAIR MACARIO: Okay. All in favor?

00:49:39 6 (Response.)

00:49:40 7 CHAIR MACARIO: All opposed?

00:49:41 8 MEMBER CURTIS: Abstain.

00:49:43 9 CHAIR MACARIO: And one abstention. All right. So

00:49:45 10 that carries unanimously with one abstention of Commissioner

00:49:50 11 Curtis.

00:49:51 12 MR. MURAI: Mikki, I think you need to -- so what's

00:49:54 13 going to happen is the board will write up the advisory

00:49:58 14 opinion, it'll be approved at the board's next meeting in

00:50:03 15 July. But you've heard what the board intends to do, so you

00:50:07 16 can go ahead start, you know, making plans accordingly, but

00:50:11 17 you won't have the piece of paper in your hand until probably

00:50:14 18 about the time when you're done with the county. I think our

00:50:17 19 next meeting -- we always meet on the second Wednesday, so --

00:50:19 20 MEMBER CURTIS: July 10th.

00:50:21 21 MR. MURAI: Yeah. Okay. So you would have it

00:50:23 22 before you leave.

00:50:24 23 MS. KLEE: Thank you so much.

00:50:26 24 CHAIR MACARIO: All right. Thank you very much.

00:50:27 25 MEMBER GADARIAN: Thank you for bringing it to our

00:50:29 1 attention.

00:50:29 2 MS. KLEE: I thought it would be wise.

00:50:32 3 MEMBER WEISS: A good engineer is a terrible thing

00:50:35 4 to waste.

00:50:38 5 (Laughter.)

00:50:38 6 CHAIR MACARIO: All right. The next item on the

00:50:40 7 agenda is e. Lobbyist Registration: None.

00:50:44 8 6. Announcements: It says none on the agenda, but

00:50:48 9 I'm going to solicit a motion amend our agenda 'cause I have

00:50:52 10 one small -- well, Gary and I have a small announcement to

00:50:56 11 make. So would someone just make a motion to amend the

00:51:00 12 agenda?

00:50:58 13 MEMBER WEISS: Make a motion to amend the agenda.

00:51:01 14 CHAIR MACARIO: All right. Is there a second?

00:51:02 15 MEMBER GADARIAN: Second.

00:51:03 16 CHAIR MACARIO: All favor?

00:51:03 17 (Response.)

00:51:03 18 CHAIR MACARIO: All opposed?

00:51:05 19 (No response.)

00:51:05 20 MEMBER WEISS: That was an easy one.

00:51:07 21 CHAIR MACARIO: Yeah, that carries unanimously.

00:51:08 22 Okay. So we talked at the last meeting, I think,

00:51:11 23 about this meeting over on Oahu for the state ethics

00:51:15 24 commission, that has been finalized, as I understand it, for

00:51:19 25 September 5th, which is a --

00:51:21 1 MR. MURAI: Thursday.

00:51:21 2 CHAIR MACARIO: -- Thursday. I know that Sara at
00:51:24 3 the last meeting expressed an interest in attending. We can
00:51:29 4 send up to three people, I understand. I will go if there's
00:51:32 5 no other interest. I don't know about David, he's not here,
00:51:35 6 but if anybody does want to go, we've got some time to kind of
00:51:38 7 get a guest list together, if you will. But I just wanted to
00:51:42 8 make sure that people knew it was on September 5th.

00:51:45 9 MR. MURAI: Yeah. So, yeah, we -- my office does
00:51:47 10 have some money for our travel. It'll be a 1-day conference
00:51:53 11 on Thursday. There's -- it's not an overnight. We'd fly into
00:51:58 12 Honolulu in the morning, attend the conference, and then fly
00:52:01 13 back in the afternoon. So, I mean, I realize that you guys
00:52:04 14 are all volunteers and have lives outside of the commission --
00:52:10 15 the board, but what we -- what Matt and I decided we'd do is
00:52:16 16 we would -- the first priority as far as attendance would be
00:52:20 17 the three officers and if anyone -- if any one of them can't
00:52:23 18 make it, then we'd open it up to whoever else is interested.
00:52:26 19 And if more than one person is interested and there's an open
00:52:30 20 slot, the tie breaker would be the one with -- who is, you
00:52:35 21 know, more senior on the -- on the board.

00:52:37 22 And I hope this becomes a regular thing. It's Dan
00:52:44 23 Gluck, who is a state ethics commissioner -- I'm sorry, the
00:52:49 24 state ethics director is the one who came up with this idea
00:52:53 25 and I thought it's a great idea, because, I mean, I'd like to

00:52:57 1 talk story with my colleagues from the other counties and the
00:53:00 2 state and see how they handle things and also talk about how
00:53:04 3 our rules are different. And I've gotta say that Maui's rules
00:53:08 4 are probably the most different than the state and the other
00:53:10 5 counties. So, again, I hope this is something that the state
00:53:16 6 ethics commission does on annual or semiannual basis and that
00:53:21 7 eventually we'll all get to -- get to attend.

00:53:25 8 MEMBER GADARIAN: Bill, were you --

00:53:27 9 MEMBER CURTIS: If -- well, I read the minutes and
00:53:29 10 David expressed interest to go.

00:53:32 11 MEMBER WEISS: I'm low rung.

00:53:34 12 MEMBER CURTIS: So if you're available, I would
00:53:36 13 defer to David. If David's not available and no one else, I
00:53:39 14 would be interested in the third slot.

00:53:41 15 MR. MURAI: Well, anyway, now we know the date, it's
00:53:43 16 September 5th and so we've got some time, you know, we'll have
00:53:45 17 July and August, we've got a couple of meetings between now
00:53:48 18 and then. So I think the Dave Courson -- well, he's
00:53:55 19 incommunicado, so we may not know his -- whether he can or
00:54:00 20 cannot for a while.

00:54:01 21 CHAIR MACARIO: Yeah. He's in the Middle East, of
00:54:04 22 all places, right now, so --

00:54:06 23 But, anyway, for anyone's who interested, mark
00:54:10 24 September 5th on your calendar and we will decide who goes
00:54:14 25 later. I would be happy to defer and have somebody else go in

00:54:19 1 my stead, so that's -- unless it's -- unless it's like
00:54:19 2 expected for me to go, I would --

00:54:20 3 MR. MURAI: Well, of course, Matt, you know, you're
00:54:22 4 a busy guy, but --

00:54:24 5 CHAIR MACARIO: Well, everyone is, but --

00:54:25 6 MR. MURAI: But if you're available, you know, I'd
00:54:27 7 certainly recommend that the chair attend.

00:54:29 8 CHAIR MACARIO: Okay. Well, we'll -- we have time
00:54:31 9 to talk about that. Anyway, thanks, guys, for your
00:54:34 10 flexibility in amending the agenda.

00:54:37 11 The next item is 7. Next Meeting: Here July 10th at
00:54:42 12 12:30 here in the conference room.

00:54:43 13 Discuss Next Meeting Business: Is there any -- I
00:54:47 14 don't usually ask this question, but is there anything anyone
00:54:50 15 wants added to next month's agenda?

00:54:52 16 (No response.)

00:54:52 17 CHAIR MACARIO: You know, we see that phrase there
00:54:52 18 every agenda and I never to remember ask, so if there is, just
00:54:54 19 let us know.

00:54:57 20 Okay. Is there a motion to adjourn regular session
00:55:01 21 and proceed to executive session?

00:55:03 22 MEMBER CURTIS: So moved.

00:55:05 23 CHAIR MACARIO: Is there a second?

00:55:06 24 MEMBER GADARIAN: Second.

00:55:08 25 CHAIR MACARIO: All favor?

00:55:09 1 (Response.)

00:55:10 2 CHAIR MACARIO: All opposed?

00:55:10 3 (No response.)

00:55:11 4 CHAIR MACARIO: Okay. That carries unanimously.

00:55:13 5 (Gavel.)

00:55:13 6 (Pause in proceedings: 1:15 p.m.-1:35 p.m.)

01:14:59 7 CHAIR MACARIO: Okay. We're back in regular

01:15:00 8 session. Is there a motion to approve all decisions made in

01:15:07 9 executive session?

01:15:08 10 MEMBER WEISS: Chair, I'll make a motion to approve

01:15:11 11 all decisions made in executive session today.

01:15:14 12 MEMBER GADARIAN: Second.

01:15:15 13 CHAIR MACARIO: All in favor?

01:15:15 14 (Response.)

01:15:16 15 CHAIR MACARIO: All opposed?

01:15:16 16 (No response.)

01:15:16 17 CHAIR MACARIO: Okay. That carries unanimously.

01:15:19 18 Finally, is there a motion to conclude our meeting

01:15:22 19 today?

01:15:25 20 MEMBER GADARIAN: I move to adjourn.

01:15:27 21 MEMBER WEISS: I second.

01:15:29 22 MEMBER CURTIS: That didn't last long enough.

01:15:31 23 CHAIR MACARIO: I assume there won't be any

01:15:32 24 discussion on that. All in favor?

01:15:32 25 (General comments.)

01:15:33 1 CHAIR MACARIO: All in favor?
01:15:33 2 MEMBER WEISS: I have a question --
01:15:33 3 CHAIR MACARIO: Wait, wait, wait. We haven't voted
01:15:38 4 yet. All in favor?
01:15:38 5 (Response.)
01:15:39 6 CHAIR MACARIO: All opposed?
01:15:39 7 (No response.)
01:15:41 8 CHAIR MACARIO: Okay. That carries unanimously.
01:15:43 9 Thank you, everyone. (Gavel.)
-02:-39:-060 (The proceedings were adjourned at 1:36 p.m.)

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