

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

June 4, 2019

CONVENE: 9:06 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (arrived at 9:13 a.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

STAFF: Shelly Espeleta, Legislative Analyst
Carla Nakata, Legislative Attorney
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
Moana M. Lutey, Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor
Brian Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel
Joseph Alueta, Planning Program Administrator, Zoning Administration and Enforcement Division, Department of Planning
Jay Arakawa, Supervising Zoning Inspector, Zoning Administration and Enforcement Division, Department of Planning

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

OTHERS: Dale Thompson
Kaapuniāliionalaniki`eki`e Aiwōhi
Patricia Hunt
Paul Kailiponi
Mandy Saito
Plus (4) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . (*gavel*) . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday, June 4, 2019 is now in session. It is six minutes after the hour of 9:00 a.m. Good morning, Members, and thank you for showing up to this week's meeting. I'd like to start off with some introductions. We'll go towards my right. Good morning, Member Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

CHAIR MOLINA: Good morning. And, Member Sugimura, good morning.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Good morning. And Member Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha. And Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha. And Member Lee.

COUNCILMEMBER LEE: Bon jour, Mr. Chair.

CHAIR MOLINA: Bon jour. Is that, Spanish or Italian?

COUNCILMEMBER LEE: No, it's French.

CHAIR MOLINA: Oh, French, there you go, I knew was Latin.

COUNCILMEMBER LEE: You knew it was something, right? Yeah, you were close.

CHAIR MOLINA: Close, okay. Alright, good morning, Council Chair.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER KING: Ohayo gozaimasu.

CHAIR MOLINA: Okay, good morning. And good morning, Mr. Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka.

CHAIR MOLINA: Aloha, sir. And we have, Member Hokama has informed the Committee Staff he'll be, is running a little bit late but he should be joining us soon for our proceedings this morning. And from the Administration, we have, handling the Boards and Commissions for Mayor Victorino, we have former Councilmember Gladys Baisa, good morning.

COUNCILMEMBER SUGIMURA: He's super good.

MS. BAISA: Buenos dias.

CHAIR MOLINA: Buenos dias, okay. And we have Corporation Counsel, Moana Lutey.

MS. LUTEY: Good morning.

CHAIR MOLINA: Good morning. And also, we have Committee Staff, Shelly Espeleta. And, of course, our wonderful, hardworking Secretary, Ms. Pauline Martins. And also from Corporation Counsel, we have Mr. Brian Bilberry, good morning. Okay, Members, we have a rather ambitious agenda this morning. It'll be a busy one but Chair is confident we shall be done before the next committee meeting, which is scheduled at 1:30 p.m. today.

COUNCILMEMBER SUGIMURA: Oh, thank you.

CHAIR MOLINA: We're being very optimistic. Alright, we do have two individuals that have signed up for public testimony. For the individuals that have signed up, the rules for testimony this morning, you'll have three minutes to testify. When you're up at the podium, you'll see a yellow light flash at the two-and-a-half minute mark just warning you that you need to conclude your testimony within 30 seconds. And once you see the red light flash, that means time is up. And please state your full name for the record and any organization that you may be representing. And we also will be going out to our sister offices out in Molokai, Lanai and Hana to see if there are testifiers there as well. So, if there are no objections, Members, we're going to begin public testimony.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so ordered.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR MOLINA: We'd like to call upon Kaapuni Aiwohi, who will be testifying on GET Item 2(15). Mr. Aiwohi?

MR. AIWOHI: Aloha, my name is Kaapunialiionalaniki`eki`e Aiwohi. This is about myself. I come from a foundation of rich Hawaiian language of the Punana Leo program, a rich Hawaiian arts of Na Hanona Kulike O Piilani, rich Hawaiian cultivation, aina lo`i kalo of Paeloko and Honokohau, a rich Hawaiian history of the Kula Kaiapuni program, rich Hawaiian values of the Hale Mua and rich Hawaiian resources as a Hawaiian resource coordinator with Kamehameha Schools community engagement. I am cognizant of the reflection our people have because of their geography and resources. I am passionate about bearing the knowledge of our kupuna and making the ethical decisions to preserve the limited resources we have for even more millennia. Mahalo for considering my nomination to be a part of this great movement. Aloha.

CHAIR MOLINA: Okay, thank you very much, Mr. Aiwohi. Members, before I ask you for clarification of Mr. Aiwohi's testimony, the Committee has asked Mr. Aiwohi to remain here in the gallery for questions from you at a later point. He is listed as the fourth item on the agenda. So, if you would prefer to wait 'till then to ask questions, I'll leave it to the body. Any questions as it relates to his testimony for now? Okay, seeing none, okay, thank you, Mr. Aiwohi. And we'll call you back up to respond to questions from the Committee at a later point this morning. Alright, thank you very much. And the second person to testify, signed up to testify, is Patricia Hunt. She'll be testifying on GET Item 11(51). And upon the conclusion of Ms. Hunt's testimony, we'll be going out to our sister offices to see if there's testifiers out there.

MS. HUNT: Thank you, Council, Mr. Molina, and Chairs. My name is Patricia Hunt and, first and foremost, I just want to say thank you to everybody here in the County. The Maui that I used to know and love and what I saw in the community with the Eller, missing, for Amanda Eller, and for Noah--and excuse me if my Hawaiian is not, I'm still learning--Kekai's family. What I saw with the police and the firefighters, I was informed that a lot of these officers who went looking for these people, actually, after they worked their shift, they went back and volunteered after.

CHAIR MOLINA: Excuse me, Ms. Hunt, sorry to interrupt.

MS. HUNT: I just wanted to thank the community, that's it --

CHAIR MOLINA: Okay.

MS. HUNT: --and I'll stick to the agenda.

CHAIR MOLINA: Yeah, do you have anything to say on the Tolentino matter, which you've signed up to testify on? Okay, proceed.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MS. HUNT: So, what I want to speak about is I have some questions and I don't expect answers from you guys right away because I know you're new and I know everybody's still kind of, things have been kind of thrown at you guys since the get go. But I would like to know, is on this litigation matter that happened with the County versus Pedro Tolentino, how long does it take for the actual inspections to get done with properties for violations, and how long has this lawsuit been going on, and how many other lawsuits does the County have? And I don't expect answers right away, this is something probably Corporate [sic] Counsel can answer in a letter, which I would appreciate a written response down the road. And I would just like to know is, as far as the public records, 2f through 24 and 25, is are the public allowed to inspect the records when it comes to inspections with County and permits? So, I have several different questions and I don't expect answers today from you guys but if you do have the answers, that would be great. If you don't and you need to check on that, I totally understand. So, again, my questions are, how long does it take to get inspections for properties for violations, how long has this lawsuit been pending, and how many lawsuits has the County had in the last, from last term of County Council to now, the new term of County Council, overall, and regarding public records, because I know, I've waited almost approximately 13 months for some public records request. So that's all I'm asking. So, if it can't be answered today, if Corporate [sic] Counsel would answer in writing, I'd appreciate it.

CHAIR MOLINA: Okay, thank you very much, Ms. Hunt. And maybe a couple of your questions could be answered in open sessions as it relates to the Tolentino case.

MS. HUNT: Okay.

CHAIR MOLINA: We'll see if that can be done. Members, any need to clarify Ms. Hunt's testimony? Seeing none, thank you very much for being here, Ms. Hunt.

MS. HUNT: Great, thank you very much.

CHAIR MOLINA: Thank you. Okay, let's go out to our sister office out in Molokai. Ms. Zhantell Lindo, do we have any testifiers out in Molokai?

MS. LINDO: Good morning, Chair. This is Zhan at the Molokai District Office and there are no testifiers.

CHAIR MOLINA: Mahalo. Let's go out to Lanai and Ms. Fernandez, do we have any testifiers out in Lanai?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: Okay, mahalo. And let's go out to Ms. Olivera-Medeiros. Mavis, how's it out there in beautiful Hana? Do we have any testifiers there?

MS. MEDEIROS: Aloha, Chair. This is Mavis Olivera-Medeiros from Hana Office and there is no one here to testify. Pretty rainy right now.

CHAIR MOLINA: Okay, mahalo. Same here in Wailuku. Nice talking to you. Okay, alright, Members, if there are no objections, seeing no testifiers out in our sister offices and no other members here in the gallery in Wailuku approaching to testify, no? If there are no objections, Chair will close testimony on our agenda items for today.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so ordered.

. . . END OF PUBLIC TESTIMONY . . .

GET-2(11) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LIQUOR CONTROL COMMISSION) (CC 19-24)

CHAIR MOLINA: Alrighty, let's go, start right into our first item, which is GET Item 2(11), which relates to the appointment of Kaulana Mossman to the Liquor Control Commission for the County of Maui. The Committee was just informed this morning by Mr. Mossman, who also informed Mayor's representative, Ms. Baisa, that he would like his name to be withdrawn from consideration for the nomination to the Liquor Commission. And being that, if you note on your agenda item, it says that our deadline to make a decision is June 15th, the original intent was to defer this matter and to do a waiver and discharge at the Council level for this Friday. So, if there are no objections, we're going to defer this item and action will be taking place at this Friday's Council meeting.

COUNCILMEMBER SUGIMURA: No objections.

CHAIR MOLINA: Any objections? Chair King?

COUNCILMEMBER KING: I just have a question about, this person withdrew their name, so do we, is there another nominee?

CHAIR MOLINA: Let me ask Ms. Baisa if she'd like to comment on this. Ms. Baisa?

MS. BAISA: We will now go to our list. I have a bunch of applications from people that have applied. And so we are, again, starting today, to look at our list to see who we can replace him with.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER KING: Okay. So, Chair, so the intention, and the intent is to work with Ms. Baisa to get another name before the Council?

CHAIR MOLINA: Yes. I guess they're in the process right now of finding another name and then we'll, I guess...let me check with Corp. Counsel. What is the deadline upon a withdrawal, the Mayor will have, is it ten days or 20 days to submit a new, after Council takes action? Ms. Lutey?

MS. LUTEY: Chair, I believe it's ten days.

CHAIR MOLINA: Ten days, right, upon final action of the Council, once the Mayor's Office receives the official letter from Council?

MS. LUTEY: Yes.

CHAIR MOLINA: Okay, that's when the clock ticks, officially, the ten days.

COUNCILMEMBER KING: Okay, no, I was just wondering what action are you requesting at the Council?

CHAIR MOLINA: Basically, it's a deferral today in Committee and then at Friday's Council meeting, we'll go through the discharge and waiver of Committee referral, and then we will take action. And, typically, on a withdrawal action, you would place the name on the resolution to disapprove, it's just a procedural matter because the individual has withdrawn and it's nothing to do with the...

COUNCILMEMBER KING: Okay, so we won't have another name? We'll just be going through, doing housekeeping, basically?

CHAIR MOLINA: Yes.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Basically, yeah. So until further notice, when we get the new nominee, then it'll come to the GET Committee.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Okay, thank you. Alright, Members, so with that being said...Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I just got this from our Staff and it seems that there are two vacancies, is that correct, or only one, according to this?

CHAIR MOLINA: This is on the Liquor Commission?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Let me verify that with staff. I'm aware of Mister, or the vacancy from, this was Mr. Todd, who had recently resigned, that's what Mr. Mossman would have been filling. Ms. Baisa, anything you would like to add to this?

MS. BAISA: Chair, I'm going to double check.

CHAIR MOLINA: As far as, to my knowledge, this is the only...

MS. BAISA: Okay. At this moment, we have, it's one.

CHAIR MOLINA: We do have a Molokai...

COUNCILMEMBER KAMA: Yeah.

MS. BAISA: Yes, there is a name that's been submitted for Molokai and that is going through the process.

CHAIR MOLINA: Okay. So, the next nominee we'll consider someone from Molokai --

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR MOLINA: --and in the meantime we'll await the replacement for Mr. Todd.

MS. BAISA: That's correct.

CHAIR MOLINA: So, we've got two coming, eventually coming our way.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Okay, thank you. Any other questions as it relates to this item? Seeing none, we'll go ahead and defer this matter, if no objections.

ACTION: DEFER.

**GET-2(12) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI
PLANNING COMMISSION) (CC 19-24)**

CHAIR MOLINA: Okay. Alright, Members, let's go ahead and move on to the next item, GET Item 2(12), which relates to the appointment of Dale Thompson to the Maui Planning Commission. And Mr. Thompson would be replacing Mr. Lawrence Hudson, who recently resigned. Mr. Thompson is here in the gallery. I'd like to call upon

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

Mr. Thompson to come up. While Mr. Thompson is coming up, I'd like to ask Ms. Baisa to provide some opening comments regarding Mr. Thompson's nomination.

MS. BAISA: Thank you very much, Chair. And, again, as has been mentioned, Mr. Thompson is with us today. He was requested to attend and I think he would've come anyway because he's very excited about offering his services to the Maui Planning Commission. He has some very relevant experience. He served a term on the Cost of Government Commission and all of us know that serving on the Cost of Government Commission is a huge commitment. It's one of the commissions that works very, very hard and they try very hard to do good, meaningful work, and he was a member of that commission. At the present time, I think I would defer to let him explain about his current employment. I don't see any conflicts. I questioned him and he said he would be more than willing to attend the meetings, and I think the best thing is at this point is for me to let him explain why he wants to serve and let you get into the questions. The Mayor fully supports the nomination. Thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. Before I recognize Mr. Thompson, Chair would like to recognize Councilmember Hokama came into the room a few minutes earlier. Thank you for attending our proceedings this morning, Mr. Hokama. Okay, good morning, Mr. Thompson, you have the floor, if you'd like to take maybe two to three minutes to just give the Committee a brief overview about yourself and your intentions for wanting to serve on the Planning Commission.

MR. THOMPSON: Thank you, and thank you, Council, for having me. So, I've been a nearly 32-year resident here on Maui and I have served on a commission prior, and I have great respect for the Hawaiian culture, people and the aina. And so, this, the Planning Commission, I think has a very important role here, certainly in the future because of our affordable housing and the shoreline setbacks, all that, so it's very, very important. And I work at the Kaanapali Trolley two nights a week, so I'll always be here to make quorum, which is very important. And also I've, for the nearly 32 years here, I also have provided affordable housing for locals, I have on the Westside a half a dozen on one big lot in Kahana. So that keeps me busy as well and, like I said, they're all good, long-term tenants and that's been a big priority for me. So, happy to serve, I may, I should take some questions.

CHAIR MOLINA: Alright, thank you very much, Mr. Thompson. And Chair appreciates you mentioning the fact about your availability to attend these meetings 'cause I've read over the last year or so, sometimes there's only four, maybe five members in attendance, so that's a very, very big factor. And I appreciate your work on the Cost of Government Commission as well --

MR. THOMPSON: Thank you.

CHAIR MOLINA: --and having formerly worked in the Administration, I know your attendance was very solid for that commission as well. Okay, Members, the floor is

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

now open for questions for Mr. Thompson. Anyone would like to start? Okay, we'll go with Member Hokama.

COUNCILMEMBER HOKAMA: Good morning, thank you. Just a few questions. I noticed you've put down as part of your information, Flying Rabbit Properties.

MR. THOMPSON: That's correct.

COUNCILMEMBER HOKAMA: Are you, so you're the owner, sir? Are you, what is that? Let me just...

MR. THOMPSON: Yes, I'm the owner and it's a, one piece of property and it has a half a dozen Hawaiian-style cottages on Westside. And, like I said, I've been there nearly 32 years. So I own 'em, operate, live on property, and we grow taro and ulu and star fruit and grapefruit and...

COUNCILMEMBER HOKAMA: Okay, do you market and sell property also?

MR. THOMPSON: No. I once did work for CENTURY 21 in the early '90s, and so I did have real estate license and I haven't used that in decades.

COUNCILMEMBER HOKAMA: Okay. I take note, you come from Westside and you have unique situations there. What are your thoughts before this Committee this morning regarding short-term rentals and bed and breakfasts, bed and breakfast use of instead of long-term rentals?

MR. THOMPSON: Sure. That's a real hot button, isn't it, for everybody?

COUNCILMEMBER HOKAMA: We face it every day here.

MR. THOMPSON: Yeah. So, we have a huge shortage of affordable and workforce housing and our short-term rentals seem to work contrary to that, a lot of those. They've taken the housing out of the markets for those things so, and that's a battle fought here and in many populated expensive places. So, I think some of the rules of basic economics can help that and that if we supply more housing for workforce and affordable housing, we can help alleviate that. I think we're somewhere in the tunes of about 15,000 units behind right now. So, we have years to catch up and, but, you know, that's always a trick and it's going to be a lot on the Council to get those approved and, you know, not everyone's a right fit, they have to be in the right place and they have to, you know, have the right infrastructures and that's a big problem here, too, is our infrastructure, a lot of it's really dated. We just can't throw in 100 units and expect that, you know, traffic to get in and out, or the water to work, or those kind of things, so.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER HOKAMA: Thank you for that response. My last question is maybe a little bit more about how you look at the County in general, but as a potential Planning Commissioner, you have some authority to impact and influence the County's economic drivers. So, you talk about 15,000 units and some other factors, what do you think your role will be in adjusting the direction of the County to have a healthy economy?

MR. THOMPSON: Sure, so your question is?

COUNCILMEMBER HOKAMA: What do you see your role as the Planning Commissioner in adjusting our economy to maybe something that makes better sense for us than just the visitor industry?

MR. THOMPSON: Sure. So, you know, we're going to grow, this is a hot spot in the country, everybody wants to come here, there's no drive-by shootings, there's, you know, it's a great place to live.

COUNCILMEMBER HOKAMA: Yet.

MR. THOMPSON: So, I see more people coming here, so it's, you know, we're going to have to have some control measures in for that. And even our tourism, I mean, every year it's a record number of people coming here, our roads are clogged with, you know, rental cars and, you know, along with all the water and sewage and all that that they use. So, that has to be, I think, somewhat carefully controlled or at least monitored and I think we have to look to some other agencies, maybe the Visitor Bureau, somebody to have, you know, we lose people to drowning, like one a week, you know, they just don't know. They've never been in the ocean and they go floating out and they're halfway to Molokai before they, you know, the Coast Guard or somebody has to go pick 'em up. So, you know, I think a lot of agencies have to work together and supporting or, I mean, it is our main driver of income here, is tourism, but I see it now switching to, into agriculture and some other things that can help sustain a base of more Maui employees and households.

COUNCILMEMBER HOKAMA: Okay, thank you.

MR. THOMPSON: Thank you.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR MOLINA: Thank you very much, Mr. Hokama. Prior to recognizing Committee Vice-Chair Rawlins-Fernandez for her question, just really quickly, Mr. Thompson, you represent, you'll be representing, I guess, the West Maui area, which is --

MR. THOMPSON: Sure.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: --Member's Paltin's area and, of course, it is a major epicenter of economic activity as it relates to the visitor industry. Any thoughts as a Planning Commission on the hot button topic of shoreline erosion?

MR. THOMPSON: Yeah, and so, yeah, it comes to many aspects and I did sit on a few of the conferences, one with Sea Engineering and, you know, and I paid attention, watched a lot of those and, you know, there's a few different angles, there's, you know, shoreline erosion, the ocean works 24/7. When we're sleeping, it's pounding away at the shores and it's coming inland, so we either prepare for that, you know. Some of it can be, I believe there's some things we can do, you know, the replenishment has some marginal success in some places. Replenishing our reefs are a real huge thing, I think. And then controlling the amount of wastewater and sewage that goes into is probably killing our reefs.

CHAIR MOLINA: Okay.

MR. THOMPSON: But, yeah, so anything built on the ocean has to be under super special consideration 'cause it's coming inland and you can't stop it.

CHAIR MOLINA: Okay, thank you very much, Mr. Thompson. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Thompson. Mahalo for your willingness to put your name --

MR. THOMPSON: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: --forward. So, I wanted to first quickly ask for clarification on a response that you gave to Member Hokama regarding the Flying Rabbit --

MR. THOMPSON: Properties.

VICE-CHAIR RAWLINS-FERNANDEZ: --oh, Properties.

MR. THOMPSON: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: What's a Hawaiian-style house?

MR. THOMPSON: So, these are cane-style houses built in the early '60s. They are double wall construction but they're, you know, flat roofed.

VICE-CHAIR RAWLINS-FERNANDEZ: Plantation house.

MR. THOMPSON: Plantation house, exactly.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, plantation house, okay, got it.

MR. THOMPSON: Jalousie windows, ceiling fans.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. What expertise do you see yourself bringing to the Commission?

MR. THOMPSON: That's a very good question. Well, I'm fairly knowledgeable, I pay attention to a lot of things and I'm willing to be devoted to it. I know this requires some homework, they meet twice a month and there's lots of reading and studying to be involved. So, I believe I'm up to that task and that should be an important one. And I have a good sense of compromise, too, and working with people so that may be helpful 'cause, you know, here there's a compromise in between what can be built and what should be built, perhaps, and, you know, people, for the money, will do anything nearly, so that has to be pretty carefully monitored, I think.

VICE-CHAIR RAWLINS-FERNANDEZ: So, you're saying that your expertise is understanding balance?

MR. THOMPSON: Yes, thank you, that's --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. THOMPSON: --well put.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. Have you attended any of the Planning Commission meetings?

MR. THOMPSON: Excuse me?

VICE-CHAIR RAWLINS-FERNANDEZ: Have you attended any of the Planning Commission meetings?

MR. THOMPSON: I've only watched them on *Akaku* TV but I haven't attended them.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And, so, as you mentioned, there's a ton of reading and so you're ready to commit to all, reading all the meeting materials?

MR. THOMPSON: Yes, and I expect it will be quite substantial.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MR. THOMPSON: You know, I do...I read --

VICE-CHAIR RAWLINS-FERNANDEZ: It will be.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MR. THOMPSON: --the paper every day and I see the projects that are there and there's some, Wailea's got some huge issues, so a lot of these have to, there's a lot of moving parts and a lot of components, so.

VICE-CHAIR RAWLINS-FERNANDEZ: And how do you plan to make decisions?

MR. THOMPSON: Well, it's as a group, as the council there, so, but I guess it's, the best way is to take in all the facts first, you know, so you have to be pretty knowledgeable about, you know, there's, you know, everything's a perspective, isn't it? So, you have to take in everybody's perspective and then be, make the best knowledgeable decision that you can.

VICE-CHAIR RAWLINS-FERNANDEZ: And how will you determine what the facts are?

MR. THOMPSON: Well, I believe that most of them have testifiers, there's tons of reading in it and, you know, and the community plays a very big part in all of these. So, you know, you just can't go put something in because it looks like a good idea without, you know, people that live in those areas have specific things they know that you can and can't do, they're like, that river floods every year, if you build on it, you're going to have a big problem or, you know, traffic can't turn this way, you know, and so, and they'll say so. A lot of people will testify here and I think more so now than ever, more of the public is getting involved with those things.

VICE-CHAIR RAWLINS-FERNANDEZ: Last question, Chair.

MR. THOMPSON: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: So, your plan is to defer to or to give the community a lot of weight when making decisions?

MR. THOMPSON: Absolutely.

VICE-CHAIR RAWLINS-FERNANDEZ: A lot of times there's a lot of controversial issues and the community is divided on whether to move forward on a project or not. In that situation, which I anticipate will happen often, how will you, how do you plan to make your decision?

MR. THOMPSON: Well, I guess you have to make the best that you can on the facts that you have, myself included, you know, you weigh those out. Sometimes it's in a Franklin close, pro and against, and, you know, you weigh out all those things and, you know, you have to figure what's best for the community and best for Maui in the long term. People come here because Maui's a great place and it's not, aloha is not a bumper sticker, it's a real thing with Hawaiians so, you know, maintaining that is a very important part, I think.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Mr. Thompson. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Just dovetailing quickly off of one of your responses to Member Rawlins-Fernandez about reading. On the Cost of Government Commission you were required to do, submit a yearly report to the Council, and I believe each Cost of Government member is assigned responsibility to do research on various departments. Which departments that you, have you done research on as a member of the Cost of Government Commission? Do you recall?

MR. THOMPSON: I don't. I can't name specifically we were in a lot of the, you know, groups we did and, you know...

CHAIR MOLINA: But, nonetheless, you had a lot, had to do a lot of reading and...

MR. THOMPSON: Yeah, a lot of reading and then we did have a technical writer and all that. And, of course, our, when I was there, our Chairman here, Paul Kailiponi, was in, very intelligent and a fair person, so.

CHAIR MOLINA: Alright, thank you. Chairman King, you have questions?

COUNCILMEMBER KING: Thank you, Chair. Thank you so much for being here, Mr. --

MR. THOMPSON: Thank you.

COUNCILMEMBER KING: --Thompson. I just, I think you've had some very good questions. I just, my one concern that came up today and there was an article in the paper about a recent Planning Commission meeting that, where there was a couple asking for short-term rental permit in a neighborhood that already had several of them and there used to be a time when, you know, 2 within a 500-foot area was the limit. And so, what are your thoughts on, you know, some of these neighborhoods turning into, you know, multiple short-term rentals?

MR. THOMPSON: That was in the paper today, actually.

COUNCILMEMBER KING: Yeah.

MR. THOMPSON: Yeah, that's a real thorn there. I would say I kind of err to more conservative on those things. They're, don't serve a great use for our community. I think they give more benefit to the owners of the property. And that one, I don't know the particular case, but they bought another house, they're here in the community, you know, they can sell that one, I'm sure, and someone else can live there, you know, perhaps a local. But, again, I don't know any of the, other than what was in the paper, I don't know any of the specifics.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER KING: Okay, and do you feel like that's a, you know, that's an honorable goal to keep, you know, the neighborhoods from, you know, to limit the number of short-term rentals in these neighborhoods?

MR. THOMPSON: Yeah, short term, I think, degrades our community, you know, it's not children playing with children on the same street and, you know, none of that goes on, they're just people that come in and go to Hana and eat dinners and leave and leave a little mess behind, perhaps. So, usually people in those communities aren't real stoked, I don't hear a lot of people going, yay, we got another short term down the street, you know, get two more, we'll have our goal, I don't see that going on at all.

COUNCILMEMBER KING: Okay, thank you. Thanks.

MR. THOMPSON: You're welcome.

COUNCILMEMBER KING: Thanks very much.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Thompson, for making the drive.

MR. THOMPSON: Thank you.

COUNCILMEMBER PALTIN: I had a few questions. My first one is, have you ever attended the Native Hawaiian law training?

MR. THOMPSON: I have not.

COUNCILMEMBER PALTIN: Okay. I believe there's a course on Oahu this Friday, 8:30 to 3:30 at UH Manoa. Do you think you might be able to make that? I know it's short notice.

MR. THOMPSON: I may be able to. I'll check calendars, see, I work Wednesday, Thursday. I'll get the information here when we're out of the Committee.

COUNCILMEMBER PALTIN: Okay. And then, I mean, if it's not this one, would you be open to attending one in the future?

MR. THOMPSON: Absolutely.

COUNCILMEMBER PALTIN: Okay. And then a couple other issues, like Chair King was mentioning recent issues, I believe, that occurred for the Planning Commission and one kind of right in our neighborhood, was the settlement of fines. What is your opinion of taking a fine from say \$640,000 down to \$100,000 and your thought

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

process on how fines should be paid, if they should be brought down, and things like that?

MR. THOMPSON: Yeah, in that case, I'm not familiar with all the moving pieces in that, although I am on your Facebook page, so I kind of know your thought about that, or Kai Nishiki thought about it. So, for them it was a great travesty and, like I said, I don't know and I'm not sure of the process. I do know...yeah, 'cause that's just down the street, as you well know. I believe Walter Hester, I don't know him personally but he's a pretty good advocate, I think, for locals. He, you know, grants lots of money for local activities and supports the community in many ways. So, that has no bearing on his fine at all, other than I'm sure he's able to pay it but...

COUNCILMEMBER PALTIN: Or just a general case in where, you know, we have these rules and someone's assessed a fine, and it's, our fine amounts are getting more, but then when it comes time to pay the fine, it gets negotiated down to like a negligible amount of the original fine. Like, what are your thoughts on that?

MR. THOMPSON: Yeah, well, perhaps the parameters were made for a reason and they maybe kept, should be kept closer to that, although, sometimes they're, get, a little more punitive, you know, it's not an actual, but more of a punitive and, like I said, his case, I don't know and some of the other ones I've seen, yeah, they've got reduced from, you know, a million to 100,000 or something. And each one of those will be separate though. And I still need to learn more about what those fines are. Like I said, some of 'em are fairly substantial. Even our short term, I believe, it's something like 20,000 a day or something. It's, you know, and so that's a little tough because if you had maybe, you know, mom, pa, local, they rented out a room in their home illegally and didn't pay their tax on it, et cetera, and all of a sudden they've got a million-dollar fine and that puts them out of their house and, you know, and living in the street, maybe that's not as equitable as it should be. So, I guess each case weigh it separate, isn't it?

COUNCILMEMBER PALTIN: And then another issue that came before the Planning Commission recently was the Makena situation, I think they wanted to expand and tear down the chapel there and I was wondering if you could share your thoughts, you know, I mean, there is concern that there may be iwi kupuna and just wondering if you had any thoughts on granting applications with that concern in mind?

MR. THOMPSON: Yeah, I do have a great respect for Hawaiian culture and their aina and, like I said, usually next to chapels, that's where burial grounds are, you know, ask their parishioners, that's where my descendants are, just next door, you know, they usually were very close. And, often, and, you know, in sandy areas, near beaches and all that, it was easier to dig and so there's tons. Look what happened at the Ritz Carlton, that was a good case there and there was compromise, they moved the hotel, they respected the sites, you know, and I thought it was a good move. It wasn't an

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

overnight thing and I'm sure there's a lot of people on both sides, but eventually got handled.

COUNCILMEMBER PALTIN: Okay, and then in combination with, you know, the characteristic of Maui hotels and the open space and the shoreline development, the idea of expanding another 200 rooms to that area, any thoughts on that?

MR. THOMPSON: I do have some and one is, I don't think anybody in this room wants to make Maui look like Oahu. One is our infrastructure, our roads can't handle it, so I think a lot of that we have to catch up first, you know, have a solid base for our workers and our locals and the infrastructure that those are going to put in. You just can't dump a hotel and I know recently in Kaanapali, the ERS went, hey, we're going to put in, you know, three new hotels and some condos and take a big hunk of beach here for some private homes and, you know, I don't think it was met with too much fanfare. For them it was, great, oh look millions more, but that has egress one light in and out of Kaanapali and, you know, and traffic already, and certainly when the shifts change, it's hard getting in and out of there. And you put a couple more hotels and you've got gridlock and now, you know, it's not good for the locals, not good for the tourists. They come here 'cause Maui is not Oahu, I believe.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you . . . (*inaudible*) . . .

MR. THOMPSON: Thank you very much.

CHAIR MOLINA: Thank you very much. Members...Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Thompson, for being here. So, what do you value?

MR. THOMPSON: I value my life, and my community, and my family. I guess those are the tops of it. My way of life, I presume, it's, I'm a pretty peaceful person, you know, I enjoy the non-stress and, you know, the aloha of Maui, it's a great place here.

COUNCILMEMBER KAMA: So, are those are the values that you would use to be able to apply in your decision-making process?

MR. THOMPSON: Certainly those would be tops.

COUNCILMEMBER KAMA: Have you ever thought about what you would say no to?

MR. THOMPSON: Sure. In my personal view, when you start building big sky scrapers. So, you got a little piece of land and a lot of people living in it, so if you got a, you know, 15-story building, now you got traffic--I did work in Japan for years and you can't get in and out of anywhere, I mean, they work very well and there's tons of public transportation but, you know, you've got 50 million people in x-amount of square

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

miles and that won't work here. I like the old Hawaiian one, you know, don't build taller than the coconut tree, just because it's not so much, you know, density, so.

COUNCILMEMBER KAMA: In your opening statement, you mentioned that we needed 14,000 housing units, so how do you foresee having 14,000 housing units over the next ten years, knowing the amount of land we don't have?

MR. THOMPSON: That's true. There are still plenty of areas that we do, and I know you guys are in committees all the time on that very issue, and we've got TIGs and whatnot, you know, locating those areas and spots that we can. So, it's a process, so you have to take in the, you know, the, respect the community that it's in, they'll have a lot of input in it, the zoning, you know, I'm sure we'd all hate to see Maui turn into all condos and then we look back, oh, well, we should've saved some land to grow some food for us. I'd like to see us have less dependency on mainland for, you know, food now. So, I think we're going in the right direction on a lot of that, so.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

MR. THOMPSON: Okay, thank you.

CHAIR MOLINA: Thank you, Member Kama. Members, seeing no other questions for Mr. Thompson at this point then I'll excuse Mr. Thompson. Oh, sorry...Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Last round. Mr. Thompson, what is your position on shoreline hardening?

MR. THOMPSON: So, yeah, and I did watch quite a few of those and that's a real, I think hardening itself is detrimental. A seawall versus a revetment are very different, but in many cases here in the future, it's going to be a managed retreat. So the ocean doesn't stop, it works every day. When we're sleeping, it's still pounding away and it can break concrete, it can break steel, it can break anything, you know, given enough time. So, this one, it has to be well respected.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And last question, Chair.

CHAIR MOLINA: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: What kind of deference would you give the commissioner filling the seat of the cultural practitioner, particular when it comes to culturally-sensitive issues?

MR. THOMPSON: Yeah, like I said, I'm a big advocate of respecting Hawaiian culture and their aina and I'm happy to even take some courses on that. And a lot of that is just being a little bit sensitive, I mean, to the things that are around you and the cultures

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

around you. So, like I said, I'm a pretty big advocate for maintaining as much of Hawaiian culture as possible.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Quick follow up.

MR. THOMPSON: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: So, you know, people can, like, will say that they respect the Hawaiian culture but are like totally fine with, you know, digging up iwi kupuna and relocating it, all while saying that they respect Hawaiian culture. So, I just, the question was, what kind of deference would you give to the cultural practitioner commissioner?

MR. THOMPSON: I think that's no respect, digging up gravesites, you know, that's a big no-no, I think, in any culture. So, I'm against that. And I know that there's a case right now, Wailea, they have an issue with that. So, and, like I said, read about it and I don't know all the particulars of it, and, obviously, they built a huge hotel, the most expensive hotel on Maui at the time, and I think it just sold the most expensive, over a billion dollars. So, yeah, I think that one has to be well ferreted out, you know, you have to sauce out all the details of that.

VICE-CHAIR RAWLINS-FERNANDEZ: Just one last follow up.

MR. THOMPSON: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

UNIDENTIFIED SPEAKER: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: In response to Member Paltin's question about the chapel at Wailea, so that chapel isn't an ancient chapel, it isn't where, you know, our kupuna buried people hundreds of years ago. And so, the iwi were there before the chapel was there. In response to Member Paltin's question --

MR. THOMPSON: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --you referenced the chapel as being an indicator of where iwi --

MR. THOMPSON: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --would be placed. So, the iwi were actually there before the chapel was put there.

MR. THOMPSON: Alright.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I just want to...

MR. THOMPSON: Yeah, I wasn't totally familiar with that one, but thank you for pointing that...

VICE-CHAIR RAWLINS-FERNANDEZ: But churches are generally a good indicator, yeah.

MR. THOMPSON: Yes, they are, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MR. THOMPSON: Thanks.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Okay, seeing no other questions for Mr. Thompson, I'm going to excuse him from the podium. Thank you very much, Mr. Thompson, for your thoughts.

MR. THOMPSON: Thank you all for having me.

CHAIR MOLINA: Appreciate it. Thank you. Okay, Members, with that being said, Chair is going to make a recommendation with regards to Mr. Thompson. Recommendation is to place the name of Dale Thompson on the resolution to approve for the Maui Planning Commission. Chair will entertain a motion to support and approve.

COUNCILMEMBER KING: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Moved by Chair King, seconded by Member Lee. Members, any discussion? Seeing none, all those...oh, sorry, Member Paltin, discussion? Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, maybe it's a discussion that includes Ms. Baisa, if you would be following up if he gets approved about the Native Hawaiian law training?

CHAIR MOLINA: Member Baisa--oh, Member Baisa--Ms. Baisa? Sorry.

MS. BAISA: Thank you, Chair. Thank you for the question. It's very serendipitous, but yesterday I had a conversation with the Chair of the Planning Commission and I reminded him that there is a requirement, and I was very happy to hear that he will be attending that session this week. And I told him that it was really important that he make sure his members all go. And so, I will follow up. We talked about it before, we

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

know it has to be done. And so, I would need to talk to somebody as to how, maybe, we can make this more available because having to wait for them to go to Honolulu, I don't think is the best answer we've got, but I will follow up. Thank you.

COUNCILMEMBER PALTIN: Thank you. And I was wondering, does the County cover the costs if they have to go to Honolulu?

MS. BAISA: I can't answer that but maybe somebody who is a, you know, more knowledgeable about this. I know that when I went, I went as a Councilmember and, of course, my trip was covered but I don't know about members of the commissions.

COUNCILMEMBER PALTIN: And then, is there any, like teleconferencing of that or they gotta go to Honolulu or whatever island it's on?

MS. BAISA: I'm sorry, I don't know. I'm not aware of teleconferencing. I'm sure if there was, more people would get involved. That would be a wonderful opportunity.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay, Member Paltin, if you'd like, on your behalf, the Committee, we can maybe pose those questions to the Administration, get that in writing. I would guess the County would likely, once a person is a member of a board or commission, that the County would likely pay for it if it is required training. Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: . . .*(inaudible)*. . . I'm sorry, Mr. Sinenci? We have a motion on the floor with regards to Mr. Thompson's nomination to the Maui Planning Commission.

COUNCILMEMBER SINENCI: I just had a question, Chair. And so, at the bottom, it says designated as the Native Hawaiian traditional customary practices expert.

CHAIR MOLINA: Yeah, let me go and clarify that. That's for our next nominee.

COUNCILMEMBER SINENCI: Oh, that's for the next one?

CHAIR MOLINA: Yeah, Mr. Thompson --

COUNCILMEMBER SINENCI: Okay.

CHAIR MOLINA: --is not, will not be the designee for the Hawaiian Cultural expertise. That is --

COUNCILMEMBER SINENCI: Thank you for that clarification.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: --the other nomination, yeah. That would be for the, I guess, the third item that's on our agenda. Oh, one, two, fourth item, I should say, on the agenda. Yeah.

COUNCILMEMBER KAMA: So, Chair?

CHAIR MOLINA: Yes, Member Kama?

COUNCILMEMBER KAMA: So, there's no cultural, Hawaiian Cultural specialist on the Planning Commission?

CHAIR MOLINA: Yes, there is.

COUNCILMEMBER KAMA: There is?

CHAIR MOLINA: There is.

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: There is, if you look at your agenda, the fourth item, which relates to the nomination of Lori Sablas.

COUNCILMEMBER KAMA: Correct.

CHAIR MOLINA: She was the individual that's designated by the Administration to be the Native Hawaiian cultural expert for the Maui Planning Commission.

COUNCILMEMBER KAMA: And we just found out that she...

CHAIR MOLINA: Yeah, we'll get to that. And, of course --

COUNCILMEMBER KAMA: Okay, okay.

CHAIR MOLINA: --that was another --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: --withdrawal --

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR MOLINA: --so.

COUNCILMEMBER KAMA: Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: Okay. Okay, Members, any other need for discussion or clarification from the Administration as it relates to the nomination of Mr. Thompson to the Maui Planning Commission? And by the way, this motion will include any non-substantive changes needed, if needed, by the Committee Staff as well. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. You know, it was requested of the Administration several times now and I'm hoping maybe Ms. Baisa would, you know, be open to the idea of giving the names of the applicants to the commissions, to the Council. I'll be supporting, I'll be voting to support this applicant. I would really like to know what other applicants were on that list, but I think Mr. Thompson seemed really open to, you know, weighing in, or giving the community a lot of weight in his decision making, which, you know, I really appreciate and I appreciate his respect for Hawaiian culture and his, the deference that he'll give to the cultural practitioner commissioner as soon as that seat is filled. And I appreciated a lot of his responses to our questions and, you know, the community listening to this meeting, I think will also be there to hold him accountable to his responses to our questions today. So, and I know that this, the expiration is next March 2020, so the community will have a year, at least, and to, you know, get a test drive with Mr. Thompson. But, yeah, Chair, mahalo.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. And thank you for bringing it up. Yes, this is an appointment for basically just under a year and he would be eligible for a full five-year term if, depending on the Mayor, and, again, it would have to come before this Council again for consideration for a full five-year term. So, anyway...Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I just wanna be real clear that we have a question up in the air regarding if part of the orientation or the training of our board and commission members may incur some cost to go and get trained if we don't do it here. That I just want to go on record to ensure that, that if we're asking people to serve, then we should be able to commit to taking them wherever they need to go --

MS. BAISA: Yes.

COUNCILMEMBER KAMA: --and taking care of those costs for them. And this is only in absence of the answer that we don't have right now, but that makes sense to me, so, and not for them to incur that on their own personal behalf.

CHAIR MOLINA: Sure.

COUNCILMEMBER KAMA: So, thank you, Chair.

CHAIR MOLINA: Chair certainly agrees with you on that. I believe most of our, most, if not all of our boards and commissions typically give new members an orientation, but if

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

there's any need for additional training where it requires off island or bringing in specialist, I mean, those cost should not be incurred by the volunteers. It's typically the County or Administration would bear those costs. Okay. Any other discussion as it relates to the motion? 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? Okay, Chair will mark it nine "ayes," a unanimous vote.

**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.

CHAIR MOLINA: Congratulations, Mr. Thompson.

**GET-2(13) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (SALARY
COMMISSION) (CC 19-24)**

CHAIR MOLINA: Okay, Members, let's go on to our next item, which is GET Item 2(13). This relates to the appointment of Paul Kailiponi to the Salary Commission for a term expiring on March 31, 2020 due to the resignation of Teddy Espeleta. And Mr. Kailiponi is in the gallery and I'd like to ask Mr. Kailiponi to come up to the podium to give us a brief summary of his intentions for serving on this commission and something about himself. Some of you, Members, recall Mr. Kailiponi came before this body and, for his previous service on the Cost of Government Commission, and on a lot of people's behalf, we thank you, Mr. Kailiponi, for serving on that very tough commission and you chaired that commission very well. I was part of the Administration back then, so thank you for your service. So, Mr. Kailiponi, you have the floor.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MR. KAILIPONI: Thank you, Chair. Thank you, Committee members, for inviting me here this morning. My name is Paul Kailiponi. I'm born and raised on Maui, I went to Baldwin High School, my family's been on the islands for generations. After graduating from high school, left the islands for 12, 14 years, going to school, working, and had the opportunity to come back to Maui about five years ago with my family, which is something that we're very grateful for, to be able to, to be back home again. I take...when I came back to Maui five years ago, I made a promise to myself to get involved in public service, not...and I thought boards and commissions were a perfect place to do that because of the limited responsibility and timeframes and things like that. So, when I came back, I put in my name for boards and commissions and was nominated for the Cost of Government Commission, where I served for the past five years. I was the Chair of that commission for four of those years. I currently work at the, I work in the Chancellor's Office with Chancellor Lui Hokoana at the University of Hawaii, Maui College. I do institutional research there. My background is in economics and statistics. I have a Master's Degree in Development Economics, a Ph.D. in Operations Research. My research and background is in statistics, in operations analysis and in policy. I'm happy to answer any other questions that you might have for me.

CHAIR MOLINA: Okay, thank you very much, Mr. Kailiponi. And thank you for coming home and you've had a lot of extensive experience overseas, which includes the UK. So, much appreciated. Members, the floor is open for questions for Mr. Kailiponi. Okay, Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Kailiponi. Mahalo for your willingness to serve our community. You have quite an impressive resume.

MR. KAILIPONI: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Do you foresee any challenges attending the meetings?

MR. KAILIPONI: No. I'm lucky enough to have a job that is very flexible. I'm really close, so it's not, unless they move the meetings, but I don't see any difficulty in attending meetings. I have...I don't miss meetings often. In the five years that I served on the Cost of Government Commission meeting, I missed maybe a handful, at the most.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Have you attended any of the Salary Commission meetings?

MR. KAILIPONI: I have not attended any of the Salary Commission meetings but in the course of duties as in the Cost of Government Commission, as well as in preparation for this one, I've gone over as many of the video, the agenda minutes, as possible. I've known previous Chair, I believe it's Joseph Talon, who was the previous Chair of the Salary Commission, and have spoken to him on other topics. So, I'm pretty caught up with what's happening in the Salary Commission right now. I could be wrong in that,

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

but I've done whatever I could without actually being there to catch up with what's being done in that commission.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. What high school did you go to?

MR. KAILIPONI: I went to Baldwin.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. KAILIPONI: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: And, yeah, that's all the questions I have, Chair. Mahalo, Mr. Kailiponi.

MR. KAILIPONI: Thank you.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Nice to see you here, Dr. Kailiponi.

MR. KAILIPONI: Thank you.

COUNCILMEMBER SUGIMURA: I will say, preface this, that your mother was my fifth grade science teacher, I think, at Iao School.

MR. KAILIPONI: It may be my grandmother, my grandmother.

COUNCILMEMBER SUGIMURA: Oh, that's your grandmother?

MR. KAILIPONI: Yes, it was my grandmother.

COUNCILMEMBER SUGIMURA: Oh.

MR. KAILIPONI: Yes.

COUNCILMEMBER SUGIMURA: Oh, okay, that's showing my age. She was very good, by the way. I have good stories that I cherish from those years. But, good family, and, but I did see you in action, basically, with Cost of Government or have read your final reports and I can imagine that when you do the Salary Commission you'll probably put the same amount of detail and all of your educational background will be helpful. Do you have a statement on that?

MR. KAILIPONI: Yeah, I mean, an important part of these commissions and in the work that I do is not just to make a decision or give a recommendation. Anybody can make a decision or give a recommendation. It's the basis on which you make that

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

recommendation that is of, that is the most important. And I think that any recommendation or decision that I make has to be backed up by a complete understanding of the logic and evidence that underpins that recommendation. Even if people may disagree with what my ultimate decision or recommendation is, they can at least take a look at what I went through, what I did, in order to come to that conclusion. And I think that's, in terms of policy decision making, the right way to do it.

COUNCILMEMBER SUGIMURA: I'm glad to hear that. As we have watched the Salary Commission, you know, make important decisions because it has financial implications to all the taxpayers, so for you to be able to do your analysis the way that I think you have, I've seen the Salary Commission, I've read your reports, you're very detailed, and I look forward to seeing you serve in this capacity. Thank you.

MR. KAILIPONI: Yeah, I think commissions have a deeper responsibility than just what's in their Charter responsibility. And what I mean by that is that commissions largely have a communication responsibility as well, where certain commissions may have a lot of existing institutional knowledge in some commission. The public, by and large, don't have that same knowledge, and it becomes important for those commissions then to perhaps educate, and they do that by being open and transparent about their discussions, about talking about things that they've known beforehand and making sure that that knowledge is retained and disseminated in a way that, so that more people can have consensus about whatever recommendation or decision is actually made.

COUNCILMEMBER SUGIMURA: Excellent. Thank you.

CHAIR MOLINA: Okay, thank you, Member Sugimura. Prior to recognizing Member Paltin, I must apologize to Ms. Baisa, I should have given her the floor first to give a brief overview. Member [sic] Baisa --

MR. KAILIPONI: That's not necessary.

CHAIR MOLINA: --anything else to add?

MS. BAISA: No apology necessary. You're doing a great job. The floor is doing a great job. I think a lot of what I would've said has already been said, but I want to add that, as well as being here as a messenger for Mayor Victorino, who is just totally delighted to have Paul volunteering to help us, I personally am very excited. I had the opportunity to know Paul before he was born. His mother was working at MEO, running the show, and doing a beautiful job. I was lucky enough to have her services throughout my time there. She took care of our fiscal matters and she wasn't only a fiscal person. She was involved in everything we did and very involved in program operations. Everything she did, she looked at in a broad view and I can see it that the apple didn't fall far from the tree. I had the opportunity, and so did Mayor, to watch him on Cost

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

of Government, and I think he's a perfect fit for Salary Commission at this time. They are embarking on doing a lot of studying about salaries and how they're put together and how they're paid and all of the details and I think he's the perfect person. So, I really want, I encourage you to support Dr. Paul.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. And thank you for adding that personal touch. So if I, before I recognize Member Paltin, so, Mr. Kailiponi, you mother is Mona?

MR. KAILIPONI: Yes.

CHAIR MOLINA: My goodness, now it rings a bell. Okay, thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Dr. Kailiponi, for being here and for your, volunteering your services. I just was wondering if you could speak to, I have no question, I have good confidence in your ability to do the job, I just was wondering, for the record, if you could speak to getting along with the other eight members of the committee and if they maybe aren't making their decision based on the policy and the logic and how you would address that.

MR. KAILIPONI: I know some of the commission members already, Stanford Lantias, who was recently called to the commission, served on the Cost of Government Commission with me as well, I know him well, we get along just fine. I like giving people the benefit of the doubt in terms of the decisions that they make, and it comes with a conversation and I think the wrong thing to have in those kinds of situations is the idea that I can convince someone, I don't think that's the right way in which it's done. Rather, if somebody disagrees with my viewpoints, I'd like to know why, you know, it's that simple. And the more clear and concise that we are with that, the easier it'll be to come to some consensus around it. I think also that the more people come in with these preexisting ideas of what should be done before they know what information there is available to it, I think that's backwards. It think that in any analysis, we need to understand the appropriate parameters or information that we need first and we try not to make any recommendations, I don't want to hear anything about what anybody's decision would be until everything's been put together and we've looked at it as a group first. And I think when we go through that process, there's rarely a lot of disagreements or the disagreements at the end are ones that can be adjusted such that some final consensus with a recommendation can be found. I think that's happened in a lot of the recommendations that we've given as the, in the Cost of Government Commission. A lot of times I like to be, I was perhaps a little too firm and my commission members said, no, you know, we don't want to say that or we don't want that as part of the thing and I'd say, fine, you know, that's what we'll do then. We'll soften language, we'll take out certain sentences, but ultimately I think drawing that consensus was something that happened because we went through that process first.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member Paltin. Committee members, questions? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had one question. Did you have a party affiliation, Dr. Paul?

MR. KAILIPONI: I have no party affiliation.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR MOLINA: Thank you, Mr. Sinenci. Chairman King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Dr. Kailiponi.

MR. KAILIPONI: Thank you.

COUNCILMEMBER KING: I appreciate what you just said about, you know, being a member of a group and how you come to consensus and you and I have disagreed on items on before, but I do think you are highly qualified and I appreciate all the work you put in too, and I think sometimes you just have to agree to disagree --

MR. KAILIPONI: Yeah.

COUNCILMEMBER KING: --and be civil about it. I have two questions. The first one's easy. I don't see on the form what area you're from.

MR. KAILIPONI: I live in Wailuku.

COUNCILMEMBER KING: Wailuku, okay. So, that's heavily represented on the Salary Commission. But the other question I had has to do more with decision making on salaries. And I haven't personally, you know, lobbied for any salary raises for the Council because I don't feel like that's why I'm here, but I'm not the only one on this Council and, you know, people have different needs. But I just wanted to get your thoughts on, what is your, can you give me some thoughts on your priorities on the ideas of, the idea of raising a salary based on merit versus cost-of-living versus cost-of-government because I don't know, I feel like the Salary Commission has your hands tied when it comes to merit, you're not really evaluating, so just, you know, what are your thoughts on...

MR. KAILIPONI: I think that's something of a paradox, it's something I've actually thought quite a lot about. The Salary Commission sets the salaries but don't set any of the, of what the job is about or what they do in the job or anything like that. So, you would think that a body that sets that would have some input, some say, and I'm sure they

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

do, I don't doubt that they don't, but there isn't a clear connection always between the two. They've recently raised the department heads and Mayor's salary, I believe, were part of that. I don't know, well, I know for the department heads and the deputies, they had recently, very recently, within the past three years, raised all of those salaries. Merit versus the costs associated with it. In terms of the department heads, it's somewhat easier. The difficulty with elected positions, and this is something that I thought about quite a bit coming into this, was how do we differentiate activities taken by elected officials in pursuit of their reelection versus in pursuit of doing their job? And sometimes those two things can be very, very difficult to disassociate from one another. And it's, it makes setting salaries for elected officials incredibly difficult because of that. I know that there is an enormous amount of variation in the ways in which different Councilmembers interact with their communities and none of that kind of interaction, which many people would believe is a part and parcel part of being an elected official, it's not in Charter, you don't have to do any of those things besides the bare minimum. So, should you be compensated for that? The argument could then be, well, they're doing that in order for, in pursuit of reelection, which is what they should be doing as an elected official. Why should we want to compensate someone for trying to be reelect, doing those activities and being reelected, because that creates an unfair advantage for those who are trying to unseat that person? So, there is a lot of difficulty in understanding and doing those kinds of things. Historically, what Salary Commissions have always done is they look at what the other counties and they try to make sure that those things converge one with another. I think that's a good starting point, but I think that's, in many ways, an easy out because then you guys would never get a raise, right. So, I don't see that as being the only way of doing that. Ultimately...

COUNCILMEMBER KING: Well, and just to be clear.

MR. KAILIPONI: Yeah.

COUNCILMEMBER KING: I'm not, I wasn't really wanting you to focus on the Council raise.

MR. KAILIPONI: Yeah.

COUNCILMEMBER KING: I'm just, in general, like, you know, how the decisions are being made because there are differences among department heads, too. Some people work harder, some people, you know.

MR. KAILIPONI: I appreciate that distinction.

COUNCILMEMBER KING: Yeah.

MR. KAILIPONI: I'm sorry if it came off that way. I think you should be paid for the work that you should be doing. And unless I know the work that you should be doing, I don't know how much I should be paying you. So, in the case of our department

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

heads, a lot of that's kind of simple, right, because there's this long history of what the department heads are supposed to do and it's stipulated in the job applications and in civil service documentation and all of those kinds of things, very little of which exists for those kinds of elected positions. I would go to those kinds of things. And I think an important part--I know you're telling me not to fixate so much on the elected positions--but having a good idea of what Council, any elected official, should be doing is where I would start because that's how you set any salary, is understanding what those job duties are and setting it out explicitly so that it can be done.

COUNCILMEMBER KING: And then, if I can just follow up with one more question. So, do you anticipate interaction, I know you came from Cost of Government, but interaction with the Cost of Government Commission to make decisions based on what is affordable or what is affecting our budget --

MR. KAILIPONI: That's a good question.

COUNCILMEMBER KING: --or is that...

MR. KAILIPONI: You should be getting paid what you should be doing and if that means that we need to increase our budget, then I would say we need to increase our budget. I see no reason to think that, because essentially what that would then mean is that you're being underpaid for your work and we know what happens when that happens, you leave, you know, we see that every day here in Hawaii. People can get paid more for doing those jobs other places, right, and that's the argument that most people have about raising those salaries. I just think that you should be paid for what you should be doing regardless of the affect that it has on the budget, quite frankly, because then we're not respecting your time, we're not respecting your work. And I think that's, and if it means we have to cut something else, then that would be my suggestion, you cut something else.

COUNCILMEMBER KING: Okay, thank you for those answers. I really appreciate the thoughtfulness.

MR. KAILIPONI: Yeah.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR MOLINA: Okay, thank you very much, Chairman King. And just to add clarification, regarding the question as far as the adjustment in pay for directors, they received a, the Salary Commission approved a pay adjustment for directors back in late 2016 and also recently this year in January 2019 and the Mayor did receive, also, a pay adjustment increase in late 2016, the same time as the first adjustment for the directors. For your information, the last time the Council received an adjustment was, I believe, in 2013, so just an FYI for you, Members. Members, any other questions for Dr. Kailiponi? Seeing none, Chair would just like to add his comments and I've, as a

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

member of the former Administration, I've seen Mr. Kailiponi in action. He looks at everything from a, based on facts and on a non-biased approach, he'll look at the facts and he's very fair, and his attendance is excellent. And recently, the Salary Commission, they have not been operating at full strength, I guess, at some of the more recent meetings, they've had just maybe five members, six members out of the nine-member commission, so attendance is certainly very imperative. I don't think we'll have to worry about Mr. Kailiponi's attendance there, so, anyway. Any closing remarks, Mr. Kailiponi?

MR. KAILIPONI: No. Thank you for the opportunity.

CHAIR MOLINA: Okay, thank you very much. We'll go ahead and excuse you from the podium. Okay, Members, Chair is ready to offer a recommendation for Mr. Kailiponi.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Yes.

COUNCILMEMBER KING: Before you do that.

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Can I ask one question of Ms. Baisa?

CHAIR MOLINA: Proceed.

COUNCILMEMBER KING: Okay, thank you. I just wondered, just based, pursuant to the last comment that was made by our Committee Chair about absences. Is there, are you watching the absences and looking at possibly replacing people who aren't coming to meetings, because I have heard some complaints from people on the Planning Commission that, you know, they're operating with a bare quorum and maybe that's something that needs to be looked into?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yes, Chair, thank you, and thank you, Chair King. Definitely. In my short tenure in, you know, handling the Boards and Commissions, we have sent at least four letters of let's get it together and we have also submitted recommendations to you to replace those folks. It's very, very important and when I interview, I really go after them in terms of can you come because if they can't come and we don't have a quorum, business doesn't get done and it's not of any use to anybody. Thank you.

COUNCILMEMBER KING: Okay, thank you so much for that.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

appointment of Lori Sablas to the Maui Planning Commission. I'd like to ask Ms. Baisa to provide opening comments on this nominee.

MS. BAISA: Thank you, Mr. Chair. Unfortunately, we had a withdrawal by Ms. Sablas. I was away, as everybody knows, and came back to be informed that she had changed her mind and wished to withdraw for personal reasons. She, however, would like to be considered if there are other positions but she just didn't feel comfortable about being the Hawaiian expert. Thank you.

CHAIR MOLINA: Okay. Members, any questions or comments for Ms. Baisa prior to the Chair making a recommendation for this matter? Okay, Chair's recommendation is to place the name of Ms. Lori Sablas on the resolution to disapprove and, again, this recommendation is not based on Ms. Sablas' ability or character, it's just a procedural matter as it relates to anyone who withdraws from a particular board or commission. Now, this case is different from the first matter. We would have sufficient time to make a decision so, therefore, we can make a decision in Committee and it would still meet the, it would still, the final decision at Council would still occur before the June 28th deadline. I believe we have a June 21st Council meeting so we can make a decision here today and then make a final decision at Council on June 21st. So, that is the Chair's recommendation, place the name of Lori Sablas on the resolution to disapprove and to allow Staff to make any non-substantive changes. Is there a motion on the floor for this?

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Moved by Member Kama, seconded by Member Sugimura. Any discussion? Okay. All those that will support the motion to disapprove, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank you. For the record, it will go in as a unanimous disapproval of Ms. Sablas to the Maui Planning Commission based on the fact that she withdrew her name for consideration for this very important board or commission.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 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 DISAPPROVE.

CHAIR MOLINA: Alright, Members, it is 10:20. What is the pleasure of the body? Would you like to take another matter or would you like to go for your morning recess? Chair is open...

UNIDENTIFIED SPEAKER: Take another matter.

CHAIR MOLINA: You want to take another matter? Any objections? Okay.

COUNCILMEMBER KING: No objections.

CHAIR MOLINA: Alright.

**GET-2(15) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI
COUNTY CULTURAL RESOURCES COMMISSION) (CC 19-24)**

CHAIR MOLINA: I know we do have, and, which is a good point, Member Lee, we do have two individuals that are waiting in the gallery so we'll go ahead, go forward with our next item, which is GET Item 2(15) and this relates to the appointment of Kaapunialiionalaniki`eki`e Aiwahi to the Maui County Cultural Resources Commission. Thank you, I practiced that all night. And we earlier heard from Mr. Aiwahi, so I'd like to ask him up here to the podium again to respond to any questions from the Committee that you may have. I'm sorry, oh, yeah, before you do that, let me recognize Ms. Baisa to give some opening comments. Go ahead, Ms. Baisa.

MS. BAISA: Thank you very much, Chair. And I'm not going to talk a whole a lot because we have, we're on a time thing here, but I do want to say that the Mayor and I are very

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 4, 2019

excited about having Kaapuni volunteer to help us on the Cultural Resources Commission. He is very eminently qualified, he's a local boy, and works for Kamehameha Schools, and he has a tremendous background in the Hawaiian language, being very involved with Punana Leo--I tend to mess it up, it's leo, I think--from it's very beginning and he is just an incredibly exciting young person. One of the things that we have deliberately been trying to do is to bring in younger people to the commissions and boards because we have to have transition and it's kind of exciting that we were able to get somebody like him and he was able to get permission to attend the meetings and to be on the board. So, I'm going to stop here and let you interview him and I know he has a lot of exciting things to tell you. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Baisa. Okay, Members, the floor is open. And I want to personally thank my Committee Vice-Chair Ms. Rawlins-Fernandez, who made sure I said your name right, Mr. Aiwohi, she coached me real well. So, Members, the floor is open for questions. I'm sorry, Chairman King, followed by Ms. Rawlins-Fernandez.

COUNCILMEMBER KING: Okay. I'm just so impressed with your resume and your presentation of yourself. I wish we could put you on more than one committee or commission. Are you, by any chance, related to George Aiwohi on Oahu?

MR. AIWOHI: Yeah, all the Aiwohi's are pretty much related.

COUNCILMEMBER KING: You're all related, okay. So, he's an employee and a good friend. But, no, I just, is this going to be your first commission?

MR. AIWOHI: This will definitely be my first.

COUNCILMEMBER KING: Okay, well, hopefully it won't be your last. I don't really have any questions, Chair. I'm just, all the things on here are just amazing, climatology that you have been involved with, and the Hawaiian culture, and the language, and Punana Leo, and Hui O Na Wai Eha, I mean, I'm just really impressed. So, thank you for stepping up to serve your community.

CHAIR MOLINA: Thank you, Chairman King. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Aiwohi. Mahalo for being here today and mahalo for your willingness to serve our community. I echo the sentiments of Chair King that your background is very impressive. I was wondering, did you apply for any other board or commission? The application had, on the first page, had like three lines where you could mark which...

MR. AIWOHI: I did inquire about other commissions that were available. I was told that they were not at the time, so then I applied for this one.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: What were the other ones, if you wouldn't mind sharing? Was one of 'em Planning Commission?

MR. AIWOHI: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Would you be interested in serving on the Planning Commission? There's a, the cultural practitioner seat that just became available.

MR. AIWOHI: I was not aware of that. I could take a look.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, we just found out this morning.

MR. AIWOHI: I mean, I could take a look at what exactly it entails and what the details are. So, I mean, I'm definitely open to it but I'm not really familiar to really make a decision.

VICE-CHAIR RAWLINS-FERNANDEZ: 'Cause with your background, I think you would be quite an asset to the Planning Commission and that I'd love to see your experience on that commission. So, I might vote no. Do you see any challenges that would prevent you from attending, since attendance is really important and you have the meetings?

MR. AIWOHI: I am very lucky. Well, our office is right down the road in Happy Valley, our Kamehameha Schools Outreach Community Engagement Office, and I do have a very strong support from our office for me to attend and to take time to be here because we know how attendance is very much appreciated.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo. And would you speak a bit about your minor in Applied Climatology?

MR. AIWOHI: Yeah, so, I went to school to be a pilot, so I got my Bachelor's in Aeronautics. A lot of that comes with really understanding our weather, our environment, knowing how and why all these things happen. So, I'm not sure if that kind of answered your question.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, it does, you know, climate change is, you know, one of probably like the biggest issue right now that we're facing and with that kind of a background, I think it would be great to be on the Planning Commission, you know, having a better understanding of, you know, what we're facing, this kind of decisions that we need to be making for the future. How would we get him on the Planning Commission, Ms. Baisa?

COUNCILMEMBER KAMA: That was my question.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: Yeah, if I could just add for Ms. Baisa, yeah, you would have to, Mr. Aiwohi would have to formerly withdraw his name today and then we'd have to come back, you know, and be nominated by the Mayor via letter --

MS. BAISA: That's correct.

CHAIR MOLINA: --and so forth.

MS. BAISA: He'd need a nomination from the Mayor. Of course, he hasn't been considered for Planning Commission 'cause we were so excited to have him on the Cultural Resources Commission. I think, you know, we've seen this progression of people start on the Cultural Resources Commission and then they can graduate to Planning. It kind of gives them a government perspective. You know, being on a board and commission, as you know, is kind of a thing that you learn by doing and we see it with other commissioners. And so, as much as I would love to grab him for the Planning Commission, I think he's very wise to start where he's starting and I'm delighted, we are delighted to have him.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. And, Member Baisa, if you could, Ms. Baisa, if you could also clarify, I believe Planning Commission meets twice a month versus Cultural Resources Commission --

MS. BAISA: Correct.

CHAIR MOLINA: --once a month, so it --

MS. BAISA: Correct.

CHAIR MOLINA: --may have an impact on Mr. Aiwohi's employment elsewhere.

MS. BAISA: Yes, I think the time commitment is very important and I have to tell you, he's so responsible. My first conversation with him was, I have to check with my employer, which he did and got back to me. So, I'm sure that he was asked to make an accurate assessment of what this involved. Thank you.

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

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Would you be able to make two meetings a month?

CHAIR MOLINA: Put pressure.

MR. AIWOHI: I can't really say right now.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: You would have to check with your employer first?

MR. AIWOHI: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Very responsible. Mahalo, Mr. Aiwohi.

COUNCILMEMBER KAMA: Don't forget, check with your kupuna, too.

CHAIR MOLINA: Thank you very much --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: --Member Rawlins-Fernandez. Member Kama, you have anything else to add?

COUNCILMEMBER KAMA: I do, and I did. I just want to, I'm really excited, and thank you, Vice-Chair, for that because I think in my own Hawaiian head, planning is really where it's really at and the Cultural Resources Commission, no offense to our previous Councilmember Baisa, but on the Cultural Resources Commission, you have a lot of people with the expertise of cultural resources. We have a resource that needs a resource, so that's where my head is at and I'm thinking along the same line as our Vice-Chair. So, but go check with your kupuna first. Thank you.

CHAIR MOLINA: Alright, thank you, Member Kama, good thoughts. Something to consider, Members, too, this appointment, should Mr. Aiwohi choose to stay with it, is just until March 31st of next year, so basically less than a year. It would give Mr. Aiwohi a taste of what it's like to be on a board or commission and then there are, as we know, there's a pending vacancy coming up, possibly two in the near future, so maybe at that point, the, if the Mayor likes what he sees or Mr. Aiwohi chooses to be considered for the Planning Commission at a later date, that might be a good approach in that regards. Because I understand with the school responsibilities and just, I'm sure, getting the school to allow him to just do this for one time a month, approaching them now for two times just after getting their approval for once a month, you know, I'm just guessing, it may put some undue pressure on Mr. Aiwohi. But, you know, again, Mr. Aiwohi, it's up to you if you would like to withdraw or just for now experience the CRC and then at a later point, the Maui Planning Commission. And it'll go by real fast, so we're looking at less than a year, but I just put that out there. Chairman King, followed by Member Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Since I was the one that brought it up about multiple commissions, I just wanted to say that I think we should not put too much pressure on Mr. Aiwohi because, actually, the Planning Commission is a lot of pressure, there's some heavy decisions that get made and so if you're willing to do it, that's one thing but I think it does take, you know, we've seen a lot of people withdraw and even resign in recent months. And so, as much as I would like to encourage you

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

for that, I think that's something that has to be a personal decision from observation. And, also, I wanted to say, since it's only, this term is only 'till next year, that there's no, there's nothing that says we can't have, if we get somebody else on as a Native Hawaiian Cultural expert, that we can't have more than one. It just requires to have one. So, I mean, I think it would be excellent to have, you know, two people who have that expertise if that's, if that plays out for you and that's something you think you want to do but I just, I wanted to take a little bit of the pressure off of you from stepping up and running with it because it is, that commission does make some pretty heavy decisions in the face of a lot of controversy often. So, thank you, Chair.

CHAIR MOLINA: Thank you for those points, Chairman King. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to keep the pressure on because I recognize how important it is, and I recognize the absence of your kind of background on this commission, and we just voted to put someone else that doesn't have your background on this commission, and I'm really worried about how long this seat will be vacant because someone who was just asked to served withdrew. So, I was wondering, Chair, what is timeline for filling this seat?

CHAIR MOLINA: I'll yield the floor to Ms. Baisa.

MS. BAISA: Thank you, Chair. I can tell you that as soon as this notice by Ms. Sablas was received, that we are actively working on a name to send forward. And so, it won't be long. It depends really on how fast we can get the process through. One of the problems we have, and that's why we're here today, is, you know, you went through Budget, you didn't have a whole lot of time to have all of these meetings, and so a lot of times we're really backed against the wall and I think that that delay didn't help in having people change their minds. You know, things come up and you're life changes, other offers are made, or you might change your job, whatever, while all this is happening, so I would really ask you guys to please keep Kaapuni here. I'm just so delighted, we're at this point and I understand how much we all want him, he'd be great on the Planning Commission, but I would be very happy if we just left him here today and, like Chair says, it's not a long appointment, and it'll give him time to find out how involved he has, how much time he has, and I'm sure that he would, he could apply and be strongly considered for Planning Commission.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Baisa. So, for clarification, the cultural practitioner's seat --

MS. BAISA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --the Administration would have ten more days to find --

MS. BAISA: To submit another name. Yes.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: --to submit another name. And then after that ten days, if another name is not submitted, then it would come to the Council?

CHAIR MOLINA: Ms. Baisa? If I could add, Member Rawlins-Fernandez, looking at the previous rejection of Ms. Sablas for the Maui Planning Commission, now coming out of Committee, going to Council on June 21st, and at that point, the official ten-day clock would start after final decision making by the Council. And, typically, let's say the action takes place on June 21st at Council, the official letter from the Clerk's Office to the Mayor's Office would probably be the following week, and once the Mayor's Office receives that letter from the County Clerk's Office on the decision as it relates to Ms. Sablas, then the ten-day clock would start for the Administration, if memory serves me correct. Ms. Baisa?

MS. BAISA: Yes, and I can guarantee you, we will meet that time clock.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and one more question. So, for this, the CRC seat that we have in consideration of Mr. Aiwohi, what is the timeline, what is the deadline that that seat would have to be filled? Would we, so my question is, basically, would we be able to defer this item today to give Mr. Aiwohi some time to think about it and go and consult with his employer?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: I'm sorry but I can't answer you, but I do know that Ms. Espeleta probably has that information, Chair.

CHAIR MOLINA: Ms. Espeleta?

MS. ESPELETA: Mr. Chair, the 60-day deadline to consider approval or disapproval of Mr. Aiwohi's nomination is June 28th.

CHAIR MOLINA: Yeah, like the previous nominee, it's, June 28th is the deadline for this Council to take action.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we would have time?

CHAIR MOLINA: A little bit of time, yeah, so, but, again, it's up to this body if you want to defer action on Mr. Aiwohi or take action on his nomination for the CRC. Member Sugimura?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Oh, thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER SUGIMURA: Good discussion. I'd like to respect the words of Member Baisa--oh, not Member, sorry, Ms. Baisa--and the nomination which came from the Mayor and which you accepted, it sounds like you've gone through the process of talking to your employer. Out of respect for what you've done, I would like us to move forward and, you know, if, it sounds like you'll probably do a recommendation for accepting him on the CRC, and let him serve until next year, which is a short period of time, so you can get a feel for what this is about, since this will be your first commission. I think you may have heard from the other questions or other nominee, there's a lot of reading that you need to do for the Planning Commission, it's a really different commission with lot of important decisions also. I think we're all respecting the cultural background that you have and we're appreciating you for that, but I would like to give you the respect that you have come before us for the commission and the nomination today and then at that appropriate time, if you think you want to do more, 'cause it's going to be more of your time, then maybe you can, with, if the Mayor's Office agrees, to put your name forward for that cultural resources person on the Planning Commission. It's two different boards, or any position, but I would like us to move forward with the decision to accept him for the CRC today, Chair.

CHAIR MOLINA: Thank you, Member Sugimura. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Kaapuni, you graduated from King Kekaulike Immersion Program?

MR. AIWOHI: Yes.

COUNCILMEMBER KAMA: Do you remember what your logo was for the year you graduated?

MR. AIWOHI: Yes, it kind of looks like, it was like a piko with these four different sides, it's called maluhia, so it's protected on four different sides.

COUNCILMEMBER KAMA: And do you remember what the statement was?

MR. AIWOHI: It was maluhia.

COUNCILMEMBER KAMA: And what does that mean?

MR. AIWOHI: To be protected.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Thank you, Member Kama. Members, any other questions? Member Paltin?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Aiwohi, for being here and your willingness to serve. I just was wondering how you would resolve or how you would work with other members if there is a conflict of opinion and such like that?

MR. AIWOHI: Well, I think it really involves working with the other person, it's hearing what they have to say, have them hear, you know, what points I have and really have a discussion about it. It's not really a one-person board so, I mean, we really do all have to work together to find the best answer and, you know, a lot of times there is no right answer, there's just the best answer that we have, and I'm committed to working with everybody and putting in the time so that we can all have our voice heard and do what we can to best serve our community.

COUNCILMEMBER PALTIN: And I was wondering how familiar you were with the various types of historic districts, like on the County level, State level, and national level.

MR. AIWOHI: This is all still kind of very new to me. I'm somewhat familiar with, at the County level, our three districts but, I mean, if I were to really be accepted then I would really dive into a lot of the responsibilities that come with this commission.

COUNCILMEMBER PALTIN: Thank you. And I just would like to point out that in the expiration of your term on this commission if you're selected, that there's two positions that also expire on the Planning Commission. Whether it's the cultural position or not, I hope you would keep that in mind because I agree with my colleagues that you would be an excellent fit if you're willing to serve and put in the time.

MR. AIWOHI: Yeah, after today, I'll definitely take it into consideration.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Paltin. Members, any other questions before the Chair offers a recommendation?

COUNCILMEMBER HOKAMA: Recommendation.

CHAIR MOLINA: Okay, thank you, Mr. Hokama. The Chair, at this point, I certainly appreciate the lobbying efforts of Ms. Rawlins-Fernandez and certainly Mr. Aiwohi is well qualified to serve on the Planning Commission. Of course, if you were so daring, I mean, he could even attempt to serve on both commissions but it would be a three meeting commitment a month. I don't know how well that would go over with your superiors at the school, and I know the commitments of a teacher. I was a teacher once and I know there's lesson planning, school doesn't just, the work doesn't just end at two o'clock, there's lot of planning and, of course, off time activities you have to spend with your students, so I would, again, ask this body to consider, for now, and I know, staff did inform me on Mr. Aiwohi's application, the second page, which showed

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

his commission preference, it only listed Cultural Resources Commission. So, you're very well liked, apparently, you know, so, which is certainly flattering to you. Ultimately, it's up to you, but my recommendation at this point is, take it slow, just get a taste of what a typical County board or commission will be like, so my recommendation is to support the appointment of Mr. Aiwohi to the Maui County Cultural Resources Commission for a term expiring on March 31, 2020 to fill a vacancy due to the resignation of Christy Kajiwara Gusman. Again, it's basically about a nine-month appointment, and along the way, should we approve Mr. Aiwohi, he may consider then a vacancy on the Planning Commission 'cause I believe we have another vacancy on the Planning Commission. So, we have two pending vacancies, so it would give him some time. So, that is the Chair's recommendation.

COUNCILMEMBER HOKAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Motion has been made by Member Hokama. Is there a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Seconded by Member Sugimura. Members, the floor is open for discussion. Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm sorry, I'm going to be voting no. I mean, unless it is possible to serve on two commissions, 'cause I thought the rules said no can.

CHAIR MOLINA: That is up to this body. We've had members of the public serve on --

UNIDENTIFIED SPEAKER: Okay.

CHAIR MOLINA: --more than one board or commission, provided, you know, of the nominee's willingness, but it is a possibility.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Ina hiki, e koho au e ai no ia `oe.

UNIDENTIFIED SPEAKER: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, then, I'll be voting in support of Mr. Aiwohi for this CRC. But I don't think it's disrespectful, I think it's actually a huge compliment in the confidence that we have in you. You know, just basically on paper, I recognize your kuleana just looking at this and in your lawena in coming here that I think you would be a tremendous asset on the Planning Commission and a voice that we need there, so I hope it's something that you will consider and, you know, your employer

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

**GET-2(10) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (URBAN
DESIGN REVIEW BOARD) (CC 19-24)**

CHAIR MOLINA: Next item is GET Item 2(10), relating to nomination of Mandy Saito to the Urban Design Review Board. Prior to calling Ms. Saito up, I'd like to ask Ms. Baisa to give opening comments.

MS. BAISA: Thank you very much, Chair. And I'd like to thank Ms. Saito for being very patient and coming today. She is, of course, being recommended to be on the Urban Design Review Board and as a alternate, because you may remember, we moved Mr. Darren Okimoto, who was our alternate, and now we need another person as an alternate, and I'm very delighted that she volunteered. This young woman has a strong background of community service. Again, I have to say that I'm very honored to know her grandfather and father very well. This is a family from Upcountry that I've known for many, many years, and I know their ethic and I know how much they care and love Maui, and I see it in her being able to, offering to volunteer. She has led the Society of Professional Engineers here on Maui and has been very, very involved in many things. I also, I'm happy to announce that she is a Ka Ipu Kukui Fellow from 2018 and it tells me, you know, how much she has prepared for this kind of position. And so, I'm going to be quiet and I'm sure that you'll hear a lot about Mandy.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. Good morning, Ms. Saito. Thank you for being here. Would you like to offer the Committee any thoughts as to why you would like to be considered as an alternate to this particular board?

MS. SAITO: Good morning. Thank you, Ms. Baisa, for those kind words. Sure, you know, I've lived on this island for a long time, born and raised, and I've seen the impacts to development and understand what it takes to get projects off the ground with my technical background. I've worked for various clients, we've had private, public sector, the public sector includes the County, State and even Federal. Maui is very dear to me, so I care about its future, and if I can provide, you know, guidance with my background on decisions made on projects coming through, I'm glad to present that type of information 'cause I think if you have the best available knowledge and information, you can make better decisions. I'd like to open it up to questions.

CHAIR MOLINA: Okay, thank you very much, Ms. Saito. And the Chair would just like to express his appreciation for your willingness to serve 'cause I know, and Ms. Baisa can share the same thought, it's very difficult to get engineers right now to serve on our boards and commissions because of your responsibilities and time demands. Members, any questions for Ms. Saito? Member Paltin, followed by Member Kama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Saito, for being here and your willingness to serve. I just was wondering, is it your understanding that the alternates attend all the meetings?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MS. SAITO: I'm not, maybe I'm not clear on that, but I was not, understood to, that I would have to fill in or be there for every meeting. I would just have to fill in if someone was absent.

COUNCILMEMBER PALTIN: Oh, okay, thank you. I just was wondering how that worked.

CHAIR MOLINA: Okay, thank you, Member Paltin. Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, again, for coming here this morning, Ms. Saito. What is HDR, Inc.?

MS. SAITO: HDR, Inc., I guess, their business is mainly Federal work. Their Hawaii-based office is in Honolulu. We do various infrastructure projects. Our main clientele is the Federal government, so I work a lot on the military bases, so large, large projects. We do, also, other projects with private and the County across the State. I hope that answers your question.

COUNCILMEMBER KAMA: Yes, it does, thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member Kama. Mr. Hokama?

COUNCILMEMBER HOKAMA: Does your firm currently doing any work with this County?

MS. SAITO: Yes. So, we do wastewater pump stations and there's some, also, pump stations for the Water Department that's, I think, contracts that have been in motion before I hired on. So, majority of my work on the island has been done with a local firm, Fukumoto Engineering, so I was there for a while.

COUNCILMEMBER HOKAMA: As the sub?

MS. SAITO: No, I was actually there. So, I've only been at this current company for a year and a half.

COUNCILMEMBER HOKAMA: Okay.

MS. SAITO: So, 11 years of my career have been at Fukumoto's.

COUNCILMEMBER HOKAMA: Okay, so you understand Maui very, very well --

MS. SAITO: Yes, yes.

COUNCILMEMBER HOKAMA: --definitely. Okay, so you don't see any potential conflict between what the Urban Review Design and your engineering requirements are? You don't see any potential --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MS. SAITO: I don't think so --

COUNCILMEMBER HOKAMA: --issues for yourself?

MS. SAITO: --'cause I think the purpose is to provide information and design-related, I guess, perspective on projects entering Maui County. I'm assuming if there's any projects that would come in for the company that I work at, I would be dismissed from that position and somebody else would fill as an alternate.

COUNCILMEMBER HOKAMA: I would think the architect, yeah, would be the key one to defend the design, or is it the engineer that defends the design?

MS. SAITO: It depends on what you're talking about. We do everything below the ground, so it's not glamorous. So, if there's anything that goes wrong with infrastructure, like drainage, sewer, water, you know, that could be potentially...

COUNCILMEMBER HOKAMA: No, I appreciate your response 'cause I'm very well aware you know your discipline. So, I'm appreciative of your willingness to serve and I'm happy to get your recommendation to move forward, Chair.

CHAIR MOLINA: Thank you, Mr. Hokama. Members, any other questions or comments before the Chair makes a recommendation? Okay, recommendation is to support the revised proposed resolution relating to the appointment of Mandy Saito to the Urban Design Review Board and to allow Staff to make any non-substantive changes. So, the floor's open, okay.

COUNCILMEMBER HOKAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Motion made by Member Hokama, seconded by Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sugimura seconded.

CHAIR MOLINA: Oh, okay, alright, we'll scratch that from the record. We'll make the second from Member Sugimura. Member Rawlins-Fernandez, you have, you'd like to discuss the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Unless the movant wanted to.

CHAIR MOLINA: Okay, Mr. Hokama, any discussion on the floor as the movant of the motion to approve?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER HOKAMA: No, I think we have a very good nominee, Chair.

CHAIR MOLINA: Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I just, I wanted clarification --

CHAIR MOLINA: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --on the motion, Chair. So, it...she would be an alternate?

CHAIR MOLINA: Yes, that's correct. And the revisions were made to the resolution to indicate that as well, which Staff had indicated to me. So, that's why this is being called a revised proposed resolution to --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --indicate that she is an alternate, and with the other information as it relates to dates and corrections, insertions of various words that are, wasn't in the old resolution.

VICE-CHAIR RAWLINS-FERNANDEZ: And the attendance is different than the --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: --the regular member, yeah?

CHAIR MOLINA: From my experience, maybe Ms. Baisa can add to it, typically alternates very rarely get called into meetings, but they do have the option to attend but if...they're not asked to be a voting members, therefore, they cannot vote, but they can observe. But when they are called in to fill in for a member, then that is when they're, they are expected to vote. So, it does happen on occasion, but it just depends on the board or commission, but alternates are certainly important 'cause, like with other boards and commission, you do have people that miss meetings.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Chair.

CHAIR MOLINA: Alright, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: And mahalo, Ms. Saito, for your willingness to serve.

CHAIR MOLINA: Okay, any other questions? Okay, if not, Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it another unanimous approval.

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.

CHAIR MOLINA: Congratulations, Ms. Saito, and thank you for serving.

MS. SAITO: Thank you for having me.

CHAIR MOLINA: Members, you deserve a break.

COUNCILMEMBER KING: Chair, can I ask a question --

CHAIR MOLINA: Oh, yes.

COUNCILMEMBER KING: --real quick --

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: --before we...I just wanted to ask Ms. Baisa, why is it that we don't have alternates on the Planning Commission when we have such an attendance problem?

CHAIR MOLINA: Member Baisa...Ms. Baisa, and also Mr. Kushi, if you want to add as to why maybe the Planning Commission, again, I believe it would have to be by ordinance --

COUNCILMEMBER HOKAMA: That was the legislation --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: --to add alternates.

COUNCILMEMBER HOKAMA: --Chair, by legislation.

CHAIR MOLINA: Yeah, legislation. Okay, Ms. Baisa?

MS. BAISA: Thank you very much for the question. I have asked that question myself when I found out that we had alternates for some boards. But I think this was done long before I got here and maybe Mr. Kushi could elaborate.

CHAIR MOLINA: Mr. Kushi?

MR. KUSHI: You would have to follow the enabling legislation, Planning Commissions are by Charter. Urban Design Review Board is by Maui County Code. So, that's the way to do it.

CHAIR MOLINA: And thank you, Mr. Kushi. So, I guess it would have to be a Charter amendment or could we do this by ordinance, I mean, it's, again it's up to this body if you wanted to do that in the future, to create an alternate position for the Maui Planning Commission? So with that said, Members, it is six minutes to 11:00. Mr. Hokama?

COUNCILMEMBER HOKAMA: So, Chairman, I'm very well informed of the next and final item of the day. Do you need to go into executive session? 'Cause, if not, I think we can just finish this up real fast, Chair.

CHAIR MOLINA: Okay, what is the pleasure of the body? We will likely, there is a consideration that will likely merit executive session upon speaking with Mr. Bilberry a couple days ago.

COUNCILMEMBER HOKAMA: Okay, Chair...

CHAIR MOLINA: However, it's the pleasure of this body, if you want to go into executive session on that next item.

COUNCILMEMBER HOKAMA: We take your lead, Chair, 'cause, you know, they talked to you, yeah.

CHAIR MOLINA: Yeah.

COUNCILMEMBER HOKAMA: I'm not too sure what they want to present to us today, but I know this case very, very well.

CHAIR MOLINA: There is a proposed consideration. So, but, anyway, Members, I think, let's go ahead and take a break, let's get into that next item feeling refreshed. So, we'll be

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

in recess 'till five minutes after 11:00 a.m. so...

MS. BAISA: Chair?

CHAIR MOLINA: Yes, Ms. Baisa?

MS. BAISA: On behalf of the Mayor, I'd like to thank the Council for your consideration today. Thank you very, very much.

CHAIR MOLINA: Alright, thank you, Ms. Baisa, we worked you real hard today, thank you. Okay, Members, we'll be in recess 'till five minutes after 11 a.m. . . . *(gavel)* . . .

RECESS: 10:56 p.m.

RECONVENE: 11:09 p.m.

CHAIR MOLINA: . . . *(gavel)* . . . The GET meeting for Tuesday, November [sic] 4, 2019 is now back in session. It is nine minutes after the hour of eleven o'clock.

GET-11(51) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. PEDRO TOLENTINO, JR., ET AL.; CIVIL 18-1-0124(1)) (CC 17-6)

CHAIR MOLINA: We're on our last agenda item for today, which is GET Item 11(51), which relates to the County of Maui versus Pedro Tolentino, Jr. And from Corporation Counsel to give us an overview in open session, we have Mr. Brian Bilberry. Good morning, Mr. Bilberry.

MR. BILBERRY: Good morning, Chair, thank you very much. Good morning, Members. This is a matter that we brought to, or I brought to your attention, I think within the last couple of months, and with a settlement proposal, which the Council, ultimately, did not accept. There have been some changed circumstances, so I wanted to come back and, actually, had the obligation to come back, and present you with a new settlement offer from the defendants in this case, the Tolentino's. And if you will, or you may recall, the Tolentino's own two properties on the island of Lanai, and they were fined and incurred penalties for storing abandoned automobiles on those two properties. And there was some allegation and potentially, I guess, maybe some findings by the Department that they were running an auto salvage business on the property. In March of 2018, the suit was filed, and then in June of 2018, there were settlement discussions initiated between prior or former Corp. Counsel, Pat Wong, and Deputy Corp. Counsel, Shinken Naitoh, and they had come up with the previous settlement proposal with the Tolentinos. I don't have a lot to talk about in open session. I do want to present to you a new settlement proposal that we received from the Tolentinos in executive session. I can say in open session, one of the, or I guess

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

the precipitating factor for this new settlement proposal from the Tolentinos' lawyers is that one of the properties on Lanai is currently in escrow and is being sold. And so, I actually got a call or an e-mail from the escrow agent advising me of that fact and telling me they wanted to pay off the fine amount. Apparently, they were unaware that the fine amount is in excess of a million dollars but, in any event, they apparently aren't prepared to close the escrow until they can make some sort of pay out in satisfaction of the fines and penalties that have accrued. The property, as I understand it, is currently being sold, the property that's being sold, is being sold for \$290,000. I will let you know in executive session the amount that the Tolentinos are proposing to settle the case for. We can discuss whether you think that's enough and whether you might want to make a counter proposal to them.

CHAIR MOLINA: Okay, thank you very much, Mr. Bilberry. And joining us also from the Planning Department, we have Mr. Alueta and Mr. Arakawa. Gentlemen, do either of you have any comments in open session on this matter at this point?

MR. ALUETA: No.

CHAIR MOLINA: Okay, seeing none, Members, any questions in open session for either the Department or Corporation Counsel before the Chair makes a recommendation to consider executive session? Okay, seeing none...sorry, Chairman King?

COUNCILMEMBER KING: Yeah I have a question. I don't know if this is for, and you can let me know if it needs to be in executive session, but I'm seeing this language again in the, "be it resolved" of the resolution that, in number two, that, and this is the second time I've seen it, I haven't seen it before, but where the terms and conditions have to be imposed and agreed to by the Corporate [sic] Counsel. And I know we, when we questioned that before on a previous reso, that that was taken out. So, I'm just wondering why, is that going to be, are you trying to make that standard language or why are we seeing that all of a sudden?

CHAIR MOLINA: Mr. Bilberry?

MR. BILBERRY: I'm not trying to make it standard language. I'm certainly not trying to make it standard language, but in my five years at Corp. Counsel, I've seen that in resolutions as standard language. Whether it's required or not, I haven't looked at, but I will say, ultimately, agreement to terms and conditions, this body has the final say --

COUNCILMEMBER KING: Right.

MR. BILBERRY: --in terms of settlement, so.

COUNCILMEMBER KING: Right.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MR. BILBERRY: I would suggest to you that that language is really just pro forma and, you know, we can certainly have a discussion about whether it can be removed as a practice.

COUNCILMEMBER KING: Okay. 'Cause I think we did that on a previous resolution, removed it. Thank you.

CHAIR MOLINA: Okay, thank you, Chair King.

MR. BILBERRY: I mean, I certainly don't have any problem removing it, if that's what you would like.

CHAIR MOLINA: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Just couple questions. How long was this lawsuit pending?

MR. BILBERRY: The suit was filed, from what I understand, in 2018, March 15, 2018.

COUNCILMEMBER PALTIN: And how, do you know how long the investigation took?

MR. BILBERRY: The violations, you mean? Yeah, maybe either Jay or Joe could answer that. I'm sorry, I don't have that information in front of me.

CHAIR MOLINA: Maybe the Department can also add to that regarding your question, Member Paltin.

MR. ALUETA: Thank you, Mr. Chair. One of the violations, again, there's two separate properties involved in the matter, one of 'em started right around September 2014. And then, second property, right around January 2017.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair. No further questions.

CHAIR MOLINA: Okay, thank you, Member Paltin. Members, any other questions in open session before the Chair makes a recommendation? Okay, at this point, Members, the Chair will entertain a motion to convene in executive meeting pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. I'll entertain a motion for executive session.

COUNCILMEMBER HOKAMA: So moved.

COUNCILMEMBER LEE: Second.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

CHAIR MOLINA: So moved by Member Hokama, seconded by Member Lee. Members, any discussion? And as an FYI, we do need six votes to go into executive session. Seeing no discussion, Chair calls for vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The Chair mark it nine "ayes" to go into executive session.

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: APPROVE; RECESS open meeting and CONVENE executive meeting.

CHAIR MOLINA: Members, we're going to take a brief recess to allow staff to secure and lock down the chambers for executive session. Meeting in recess, and when we do convene, again, it will be in executive session. So, meeting in recess. . . . *(gavel)* . . .

RECESS: 11:16 p.m.

RECONVENE: 12:03 p.m.

CHAIR MOLINA: . . . *(gavel)* . . . The GET meeting for Tuesday, June 4, 2019 is now convened back in open session. We are on Committee Item GET-11(51), which is the County of Maui versus Pedro Tolentino, Jr., a civil case matter. Members, the Chair's recommendation is based on discussions in executive session. The Chair would entertain a motion to support a revised proposed resolution entitled Authorizing Settlement of County of Maui v. Pedro Tolentino, Jr., et al., Civil Case Number 18-1-0124(1). Chair will entertain a motion.

COUNCILMEMBER KAMA: So moved.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Okay, been moved by Member Kama, seconded by Member Hokama. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you very much, Members, we have another unanimous vote.

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 REVISED RESOLUTION.

CHAIR MOLINA: Mr. Bilberry?

MR. BILBERRY: First, thank you all for the discussion. I thought it was really productive and informative. Do you want me to send a revised resolution up with the, is that what you were indicating when you say, revised resolution?

CHAIR MOLINA: Yeah.

MS. NAKATA: Mr. Chair?

CHAIR MOLINA: Staff?

MS. NAKATA: The resolution's already been revised. The previous resolution called out the Parks, Recreation, Energy and Legal Affairs Committee from last term. So, the original reso --

MR. BILBERRY: Right.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

MS. NAKATA: --had the old committee --

MR. BILBERRY: Right.

MS. NAKATA: --name in it.

MR. BILBERRY: There was some discussion about other language in the resolution, which is what I was questioning.

COUNCILMEMBER KING: Yeah, I think...

CHAIR MOLINA: Member King?

COUNCILMEMBER KING: Yeah, I thought that's what you were referring to, but I think Mr. Bilberry understands and he said there was no problem in revising that.

MR. BILBERRY: Right.

CHAIR MOLINA: Okay.

MR. BILBERRY: Okay, so that's what I'm asking, you do want me to send up a revised resolution addressing the language that Chair King..

CHAIR MOLINA: Members, any objection to the revised changes to the reso as proposed by Chairman King, which was the Corporation Counsel language --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --that she brought up earlier in open session?

COUNCILMEMBER KING: They revised that last time when we --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --had...

CHAIR MOLINA: Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I have a question, Chair. So, what we discussed in closed session, would that be affected at all if we removed that language?

CHAIR MOLINA: Mr. Bilberry?

MR. BILBERRY: Not at all.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, no objections.

CHAIR MOLINA: Okay, alright, so the vote has already been taken. So, with that being said, Members, it is five minutes after the hour of 12 o'clock. Chair thanks all of you for your hard work today. Staff, any other things the Chair needs to be aware of before we adjourn this meeting?

MS. NAKATA: No, Mr. Chair, but Staff would just clarify that the Committee's intention in revising the resolution is to revise the second "be it resolved" paragraph, to take out the phrase starting with "under such terms and conditions as may be imposed and agreed to by the Corporation Counsel," is that correct?

CHAIR MOLINA: Chairman King, for confirmation, that is the...so, yes, so noted. Any objections to that? Member --

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR MOLINA: --Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Quick, a question, mahalo, Chair. So, is it only the second or is it the second and the third?

CHAIR MOLINA: Staff?

COUNCILMEMBER KING: Oh, Mr. Sinenci pointed out that the third would be, need to be revised as well.

CHAIR MOLINA: I'm sorry, Chairman King stated that the third "whereas" also needs to be revised. Staff, did you get that? Delete that reference to Corporation Counsel.

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: Mr. Hokama?

COUNCILMEMBER HOKAMA: You know, I know what Ms. King was, is making comment on, Chair, but I still believe that the Corporation Counsel, on that second "resolve" clause, is critical, especially if there needs additional adjustments between plaintiff and --

CHAIR MOLINA: The defendant.

COUNCILMEMBER HOKAMA: --attorneys, but my understanding is it always has been, Corporation Counsel must work within the parameters as provided by guidance by the Council. We set the terms of parameters, Chair. They can bounce between it, but that's it, they cannot go beyond the scope of authority we allow them to have on a specific item, so I would say, Mr. Bilberry has, as long as he bounce it between the

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

parameters we set, he has to implement our position, Chair. So, I don't see a major conflict.

CHAIR MOLINA: Okay, alright. Members, is that all clear? Any objections?

MR. BILBERRY: I'm sorry, Chair.

CHAIR MOLINA: Mr. Bilberry?

MR. BILBERRY: It's not clear to me.

CHAIR MOLINA: Okay.

MR. BILBERRY: I just need to know what you want me to do with the resolution. I thought I heard Ms. Nakata dictating some specific language to replace what's already there, but I may have just misunderstood what she was actually doing.

CHAIR MOLINA: Ms. Nakata?

MR. BILBERRY: I just need to know what...

CHAIR MOLINA: It's the second "whereas," I believe. Ms. Nakata?

MS. NAKATA: Mr. Chair, Staff was just reiterating what Staff understood to be Chair King's proposed revision earlier and that was to the second "be it resolved" paragraph, then there was discussion as to whether the third "be it resolved" paragraph needs to be similarly revised, followed by discussion about having no revisions. So, Staff is also unclear.

CHAIR MOLINA: Let me technically ask, is this a substantive change where we would need to vote on this or it's just a non-substantive change? Chairman King?

COUNCILMEMBER KING: Thank you, Chair. So, the language would read, as it did in a previous revised reso, the number two would read that "it hereby authorize the Mayor to execute a release and settlement agreement on behalf of the County in this case; and number three, that it hereby authorizes the Director of Finance to satisfy said settlement of this case." I believe those are non, I mean...

CHAIR MOLINA: Non-substantive changes.

COUNCILMEMBER KING: I'll ask Mr. Bilberry if those are non-substantive changes.

MR. BILBERRY: Yeah, those are non-substantive changes. I just don't know what, I need to know what the changes are, what you want me to actually write.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 4, 2019

COUNCILMEMBER KING: That, well, I just read it, yeah.

MR. BILBERRY: Okay.

CHAIR MOLINA: Maybe after the meeting, you can consult with Staff and see where the changes need to be made.

MR. BILBERRY: Okay.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Alright. Okay, Members, don't forget we have a 1:30 meeting under the leadership of Mr. Sinenci, the EAC [sic] Committee at 1:30. So, with that being said, thank you very much. This GET meeting for June 4, 2019 is now adjourned. . . .
(gavel) . . .

ADJOURN: 12:09 p.m.

APPROVED BY:



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

get:min:190604:alp

Transcribed by: Annette L. Perkett

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

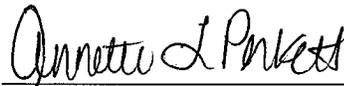
Council of the County of Maui

June 4, 2019

CERTIFICATE

I, Annette L. Perkett, 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 21st day of June, 2019, in Haiku, Hawaii.



Annette L. Perkett
Annette L. Perkett