

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

## **M I N U T E S**

**Council Chamber**

**August 20, 2019**

**CONVENE: 9:02 a.m.**

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
Councilmember Riki Hokama (arrived at 9:04 a.m.)  
Councilmember Tasha Kama  
Councilmember Kelly T. King (left at 12:02 p.m.)  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura (arrived at 9:24 a.m./left at  
12:02 p.m.)

**STAFF:** Kasie Apo Takayama, Legislative Analyst  
John Rapacz, Legislative Attorney  
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci  
Gina Flammer, Executive Assistant to Councilmember Sinenci

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

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

**ADMIN.:** Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department  
of the Corporation Counsel  
Gladys Baisa, Executive Assistant, Office of the Mayor  
Thomas Kolbe, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Paul Haake, Captain, Fire Prevention Bureau, Department of Fire  
and Public Safety  
Everett Ferreira, Captain, Department of Police  
Aylett Wallwork, Sergeant, Department of Police  
Karla Peters, Director of Parks and Recreation  
Robert Halvorson, Planning and Development Chief, Department  
of Parks and Recreation

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**OTHERS:** Patrick O'Neil  
Patricia Hunt  
His Highness Kaua  
James "Ipo" Mossman  
Robert Carroll  
Geraldine Carroll  
Plus (2) other people

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

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CHAIR MOLINA: . . . *(gavel)* . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday, August 20, 2019 will now come to order. We have in attendance this morning, we have our Hana Councilmember, Mr. Shane Sinenci. Good morning, sir.

COUNCILMEMBER SINENCI: Aloha and good morning, Chair.

CHAIR MOLINA: Good morning. And we have Council Chair Kelly King.

COUNCILMEMBER KING: Good morning, Chair.

CHAIR MOLINA: Good morning. And we have Wailuku Councilmember Alice Lee.

COUNCILMEMBER LEE: Good morning, Chair and to our team in Pennsylvania.

CHAIR MOLINA: Hey, all right, go get them, Maui. All right. And my wonderful, venerable Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Good morning, Chair.

CHAIR MOLINA: Good morning. You like that word I used?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: And we have for West Maui, Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka. And of course, our Kahului Councilmember and Pro Tempore of the Council, Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

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CHAIR MOLINA: Aloha kakahiaka. Members Hokama and Sugimura are excused but will be on their way soon to join us for our festivities this morning. And we have a very ambitious agenda, Members. I'm hoping we can complete all of our business in time because we do have a 1:30 EAC [sic] Committee chaired by Mr. Sinenci. So, Members, let's work hard and get right to it. But before we do that, Chair would like to recognize Staff that's in attendance. We have Kasie Takayama Apo [sic], our Staff Analyst today. And also, we have Committee Secretary, Pauline Martins. And we have from Council Services, Mr. John Rapacz. From Corporation Counsel, we have Mr. Ed Kushi. And from the Mayor's Office, we have Ms. Gladys Baisa.

MS. BAISA: Good morning.

CHAIR MOLINA: Good morning. So, let's start first with public testimony. We have three submittals for public testimony here in the Chambers in Wailuku. But before we do that, let's go out to our sister...sister counties...sister --

UNIDENTIFIED SPEAKER: Offices.

CHAIR MOLINA: --offices out in Molokai and Lanai, and also out in Hana. Let's check in with Molokai first. Ms. Lindo, on Molokai, do we have any testifiers for any of our agenda items today? Molokai? Okay. I know we've been having some technical difficulties with our audio this morning. So, if we can't get through to Molokai, let's go out to Lanai. Ms. Fernandez, out in Lanai, do we have any testifiers for our agenda today?

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

CHAIR MOLINA: Okay. Mahalo. And let's go out to our friend, Mavis, out in our Hana Office, do we have any testifiers?

MS. OLIVEIRA-MEDEIROS: Good morning, Chair. This is Mavis in the Hana Office and there is no one here to testify.

CHAIR MOLINA: Okay. Mahalo. And we'll check back with the Molokai after we address our testifiers in our Chambers here. So, let's go ahead with testimony here in the Chambers in Wailuku. First to testify on GET item 2(21), we have Patrick O'Neil. And, Members, just for your information, Mr. O'Neil is a nominee for our, I believe on our Council...

**. . .BEGIN PUBLIC TESTIMONY. . .**

MR. O'NEIL: Good morning, ladies and gentlemen. I appreciate the opportunity to attend this morning. As you said, I'm an applicant for the Cost of Government seat. And I

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appreciate you letting me testify before you this morning. So, I'll be brief and I'll be here to answer any questions if you have some.

CHAIR MOLINA: Okay. Thank you very much, Mr. O'Neil. And, Members, if you don't mind, if you'd like to withhold your questions once we get to the item for Mr. O'Neil, and we'll --

UNIDENTIFIED SPEAKER: No objections.

CHAIR MOLINA: --proceed. Any objections to that?

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay. Thank you very much, Mr. O'Neil. And again, a reminder to our testifiers, please state your full name for the record and any organizations that you may be representing. And if you are a lobbyist, please inform the Committee of that as well. Next to testify, we have Patricia Hunt, who will be testifying on GET-11(15). Patricia Hunt? And Chair would like to recognize Councilmember Hokama to our proceedings, and I love the uniform, sir.

COUNCILMEMBER HOKAMA: Go West.

CHAIR MOLINA: Go West. That's right. Go West, young man, as they say, right?

COUNCILMEMBER HOKAMA: Yeah.

CHAIR MOLINA: Okay.

MS. HUNT: Good morning, Mr. Chair and Councilmembers. Thank you for hearing me today, and I greatly appreciate it. I'm not really expecting an answer today from any of you but I would first and foremost, since this is on litigation matters, I have some questions for Corporate [sic] Counsel, and they may not have the answers either today. But I would like to know one, to schedule a meeting with whoever is the new, I believe it's who replaced Mr. Wong, for the Corporate [sic] Counsel to meet with them one more time in hopes to get public records requests that's still have not been fully cooperated with according to the law. My question is I guess, and Corporate [sic] Counsel might be able to answer this or find out some researches, I would like to know under Rule 48, how many cases get thrown out of court in Maui County? And that's for specific reasons. Some of this has to do with the DUI meeting that was here yesterday that I sat and listened in. I'd also like to know how many lawsuits regarding the Maui Police Department with...while the term...while Chief Faaumua has been in office, that have been pending or are still pending regarding MPD...

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CHAIR MOLINA: Ms. Hunt, sorry to interrupt your testimony but again I'd also like you to make sure you discuss the Kamoku settlement, I guess if you have anything to say, which is --

MS. HUNT: No, this is --

CHAIR MOLINA: --on the agenda.

MS. HUNT: --litigation matters, and then space settlement authorization. So, I just wanted to ask about some litigation. But I'll wrap it up very quickly is if I can get a meeting with Corporate [sic] Counsel, and then also if they would review Hawaii Statute 92 Section 24F; and Federal Statute, 5 U.S.C. 552, which is Freedom of Information Act records. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Hunt. Members, any questions for the testifier? Okay. Seeing none, thank you, Ms. Hunt. Our final testifier who is signed up for today, I'd like to call upon His Highness Kaua, Counselor, Advisor, and War Captain who will be testifying on I believe all of our agenda items here that's listed. Your Highness? And again, the time parameter is three minutes and or so.

MR. KAUA: Or longer.

CHAIR MOLINA: Good morning.

MR. KAUA: Aloha.

UNIDENTIFIED SPEAKER: Aloha.

CHAIR MOLINA: Aloha.

MR. KAUA: To all unique blueprint design, brothers and sisters I'm looking at, unique, unique, unique. He lives in you, you, you. That's power, power beyond man can give from heaven to earth. And that is why, it's not the best drawing but the best in heaven will do. King of kings. He's the king of heaven and earth. Love is aloha. One plus one is one and the same. One plus one is one and the same. So, keep it holy in His word. His word is righteous and you get the unrighteous. Unrighteous is not right in the words that is coming to the...from America here to Hawaii, which is his Garden of Eden. Four-plus million acres, larger than Texas, we're not just a little nobody. We are somebody in all of us. Therefore, He is here and will be coming in life but is in your heart now today. So, watch what you say and what you do because words is the biggest criminal act that ever done in this world today, was word add another letter it changes everything. Two, they use it to transfer our bloodlines and call it half-and-half. They call it dictionary. So, they continues their word...continues going to where we are now talking like them, like the serpent himself because we continue using these other words that no make no sense. I like when our Father said,

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get things straight to the point of it all, point 'cause the finger come three back down to me, that's give, give, give. He gives me the language to say to you as best as can in my heart, my soul, and my brain, not unrighteous word they call M-I-N-D. M-I-N-E, no. M-I-N-D, been showing out in YouTube, in all tourist channels I've been watching every single day 'cause daily breath has been coming to me every single day, and showing how when using our M-I-N-D to take over the world, and that's been done with the corporation life. Our Father said the last big body, blood, brain--'cause this is your heart now--brain, aha, even it's aha, aloha. And thank you, thank you for giving us aha. And this last one B is the most important, your breath of life 'cause we've all been...we check out what we do today and what we do every single day with hot or cold, not M-I-N-D. It's breath of life that the Father controls outside and in. Therefore, we are controlled that now today. Your breath of life had the big decision to make today that you're going to listen and follow man's ruling or you're going to follow God's ruling.

CHAIR MOLINA: Your Highness --

MR. KAUA: And this is not...

CHAIR MOLINA: --I can stop you. Just a second, Members, do you have any questions for this particular segment from your Highness' testimony? Okay. Your Highness, I'll give you three more minutes if...up to the three more minutes --

MR. KAUA: Okay.

CHAIR MOLINA: --if you want to conclude, yeah.

MR. KAUA: Therefore, it has been said throughout...and you guys see this part? The triangle where Mauna Kea, Haleakala, . . .(*inaudible*) . . . to the heaven and sky of heavens, and here today, and they always go like this. You put that two inside, that's brother to brother, sister to sister, brother to sister, sister to brother, because we make things what is one and one the same. By putting it together, it makes most important to all of us for what is now happening. He's on His way. He's making us...He's giving and watches all the time. We'd seen wrath and so forth, that people who are brothers and sisters are seeing heaven themselves. They're getting healed themselves because Jesus is the doctor. For the doctors say Kaua...Gary, wake up, wake up, and I woke up. They said I wouldn't talk but they just...I'm talking now. They said I wouldn't walk. Well, I'm walking. Every single day, we have a chance and decision to make, and that is to do it now not using man's word. Man's word will take you elsewhere. So, I ask you now, watch your words. Your words is the defining point of it all because you will meet Him in heaven, the gate. It is not me. It is we that make the determination. And that is love, love is aloha. Just keep it that way 'cause we are a kingdom of heaven. Hawaii Kingdom, a Garden of Eden, where else would it be? Do not get used and abused as you came here from whatever country you came from, with my family came Asia, my family came from Europe, my family came from

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elsewhere, but they came down to do what is rule and law of our Father in heaven, period. Do not stripe that to an HRS. You got...that is rules of life, and it's stated so far now ever more, serpent, united serpent states, which get united what, the snakes, State of Illinois, it's California, and Hawaii. So, the whole point is that we are brought together for a point of it all, point of it all. Do it now or do it in righteousness because you will be held responsible, and that is life. See you later.

CHAIR MOLINA: Okay. Mahalo, your Highness. And we'll certainly take your words into considerations as it relates to HRS on our agenda here --

MR. KAUA: Anybody?

CHAIR MOLINA: --HRS items. Okay. Any questions, Members? Seeing none, okay. Mahalo, your Highness. All right. Is there anyone else in the gallery that would like to testify on our agenda items today? Seeing none, Chair will close public testimony if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: All right. So ordered, Members. Well, let's get down to business. We have our first item, GET item 2(20). Oh, before we do that, Ms. Takayama Apo [*sic*], any word from Molokai, if there are testifiers on our agenda items today?

MS. APO TAKAYAMA: Chair, there's no further testimony with District Office.

CHAIR MOLINA: Okay. That's been made clear. So, no objections to closing testimony on Molokai as well.

VICE-CHAIR RAWLINS-FERNANDEZ: No --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --objections.

CHAIR MOLINA: So ordered.

COUNCILMEMBERS: No objections.

**. . .END OF PUBLIC TESTIMONY. . .**

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**GET-2(20) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(AFFIRMATIVE ACTION ADVISORY COUNCIL) (CC 19-24)**

CHAIR MOLINA: All right. GET item 2(20), which relates to the appointment of James “Ipo” Mossman to the Affirmative Action Advisory Council for the County of Maui. I’d like to recognize Ms. Baisa from the Mayor’s Office to give us an overview on this nominee.

MS. BAISA: Thank you very much, Chair. And it’s my honor to be here today with you representing the Mayor and hoping that we can approve his nominees to three boards and commissions we have today. The first nomination is for James--as we all love him--“Ipo” Mossman to the Affirmative Action Advisory Council. This Affirmative Action Advisory Council advises and assists the Mayor in all phases of the County’s Equal Employment Opportunity program based on Federal guidelines and requirements. They advise and assist the Mayor in reaching the County’s affirmative action goals and objectives concerning race, sex, religion, the disabled in employment and to take affirmative action in correcting past discrimination. The law concerning the Affirmative Action Advisory Council states that we have to have a certain makeup. And three of those people have to be representatives of County government, and we have two already. We have two County employees who serve. And Mr. Mossman would be the third. Mr. Mossman is very involved in community, certainly understands the County and how we operate in terms of affirmative action and personnel, and he of course, is well prepared to discuss this with you this morning. He’s a graduate of Saint Louis High School and Spokane Community College and Gavilan College, and he’s very, very honored and excited to do this, very involved in his spare time in Senior Makule Softball League. So, he’s here today to answer any questions that you might have, and I really ask for your support. We need to get this filled. I’ve had a request by Mr. Thomas, and he’s very excited to have Mr. Mossman. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. And we do have Mr. Mossman in the gallery. Mr. Mossman, if you’d like to come up to the podium and just share a few brief thoughts with the Committee before we open it up for questions for you. And I believe we did have four Councilmembers that requested your presence here this morning. So, good morning --

MR. MOSSMAN: Well --

CHAIR MOLINA: --Mr. Mossman.

MR. MOSSMAN: --good morning, Chair Mike and Councilmembers. It’s my honor to be here today. So, I was asked by Mayor Victorino if I would be...accept his appointment to this Advisory Council, and I am more than...I’m a very strong advocate of the Equal Employment, the...in workplace, and I’m here to answer any questions that you may have.

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CHAIR MOLINA: Okay. Thank you, Mr. Mossman. Members, the floor is open for any questions for Mr. Mossman. Okay. Vice-Chair Rawlins-Fernandez, followed by Chair King?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Ms. Baisa first. Aloha, Ms. Baisa.

MS. BAISA: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: How many times does the Affirmative Action Advisory Council meet each year?

MS. BAISA: It's a...

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, each month?

MS. BAISA: Thank you very much. It's a very interesting body. It is required to meet at least once a year; however, it also meets on-call when there are issues that have to be taken care of. They would meet ad hoc.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, on average like how often do they meet?

MS. BAISA: I spoke with Mr. Thomas, and he said that they usually do a little more than the once-a-year because things do come up that are very important for the Council to look at.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. That is very interesting.

MS. BAISA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: At least once a year. Okay. So...

MR. MOSSMAN: Can I add to that if you don't mind?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Aloha, Mr. Mossman. Would you like to add to that?

MR. MOSSMAN: Thank you. Yes, after a conversation with Ralph, we meet four times a year. And it is by the ordinance, it is only once a year but we're kind of a little bit more on the aggressive side. So, it is four meetings a year.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for --

MR. MOSSMAN: Thank you.

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VICE-CHAIR RAWLINS-FERNANDEZ: --that additional information. So, do you foresee yourself having any problems meeting that four --

MR. MOSSMAN: Not --

VICE-CHAIR RAWLINS-FERNANDEZ: --times?

MR. MOSSMAN: --at all, not at all.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. MOSSMAN: I love what I do.

VICE-CHAIR RAWLINS-FERNANDEZ: Do you know...so, the...your...or if confirmed, your term would expire March 31<sup>st</sup> of next year --

MR. MOSSMAN: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --do you know how many more times the Commission will meet before that time?

MR. MOSSMAN: I don't have that answer for you but Ralph has been in touch with me. So, I will have that. But sorry, I don't know that right offhand.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And do you see yourself having any conflicts in being able to...any conflicts in sitting on this board --

MR. MOSSMAN: Not at all.

VICE-CHAIR RAWLINS-FERNANDEZ: --or commission? Okay. And then...

MR. MOSSMAN: None, whatsoever.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then my last question is regarding your application. You wrote that you're very concerned about affirmative action needs of the community. Would you mind sharing with us what are some of your concerns?

MR. MOSSMAN: Well, you know, I wanted to, because this is something that was presented to me, so I wanted to do a little bit of homework regarding, you know, what the...what this Affirmative Action Council does. So, I want to just kind of read the Affirmative Action policy, that statement. So, the County of Maui is committed in meeting our obligation every...of recruitment, hiring, training, development, mentorship, and retaining of quality individuals in all levels of government. And the nice part about this is because of our cultural differences and how we bring people back together from the sameness, it's really important for everyone to have a value or an accepted value,

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you know, while working for the government. So, that kind of excited me. So, as I stand here, you know, I look forward to it if and when I get appointed to this, you know. It should be a great challenge.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for reminding us of what the policy says. So, what are your concerns, your personal concerns? 'Cause it said you're very concerned about affirmative action needs in our community.

MR. MOSSMAN: Well, every --

VICE-CHAIR RAWLINS-FERNANDEZ: What are some of the --

MR. MOSSMAN: --you know --

VICE-CHAIR RAWLINS-FERNANDEZ: --affirmative --

MR. MOSSMAN: --with --

VICE-CHAIR RAWLINS-FERNANDEZ: --action needs?

MR. MOSSMAN: --Equal Employment Opportunity, I strongly believe that everybody should be treated equally--excuse me--and by, you know, just by action alone, you know, we...that's our responsibility to make sure that that is happening. And I look forward to those meetings because that's where we will get our complaints and/or challenges and our, you know, our solutions that we need to come up with. So, based on that, I'm looking forward to it because it's going to be a whole new challenge for me.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Mossman.

MR. MOSSMAN: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER KING: Thank you, Chair. Actually, I had the same question as Ms. Rawlins-Fernandez but...and thank you for being here. It's really good to put the face with the name and the position. My only question, Chair, is to Ms. Baisa. When I look at the requirements, it says three reps from County government, and Kate Griffiths is also a member. She's in County government. So, is it okay to have, you know, to designate somebody as a community member even though they do have a position in County government?

CHAIR MOLINA: Okay. Ms. Baisa?

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MS. BAISA: I don't believe that we have a problem.

COUNCILMEMBER KING: Okay. I just want to make sure with Corp. Counsel --

MS. BAISA: Yes.

COUNCILMEMBER KING: --if there is no conflict with --

MS. BAISA: And --

COUNCILMEMBER KING: --that.

MS. BAISA: --maybe Mr. Kushi can answer.

CHAIR MOLINA: Mr. Kushi?

MR. KUSHI: I don't see a problem. But I understand that when Ms. Griffiths was appointed, she was not listed as a County employee.

COUNCILMEMBER KING: Okay.

MR. KUSHI: That's my understanding.

COUNCILMEMBER KING: It doesn't have the appointment date. It just has the expiration date, so.

MR. KUSHI: Two years ago.

MS. BAISA: Yeah.

COUNCILMEMBER KING: Okay. Yeah, I'm not...I can't do the math in my mind but I just want to make sure there wasn't a conflict. I don't have a problem. I think Mr. Mossman will be a good addition to this. And I appreciate you looking up the policy because a lot of times we have people who are applying for positions and don't know how many times they meet and don't understand exactly what they're going to be expected to do. And just looking at the sheet on this particular Council, there have been one, two, three, four, five resignations, you know, in the past few years. So, stay with us.

MR. MOSSMAN: Yeah.

COUNCILMEMBER KING: Okay.

MR. MOSSMAN: Thank you.

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COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Chair King. Any other questions?  
Councilmember Kama? And before --

COUNCILMEMBER KAMA: Thank...

CHAIR MOLINA: --I recognize Member Kama, Chair would like to recognize Member Sugimura for attending our proceedings this morning. Member Kama, you have the floor.

COUNCILMEMBER KAMA: Thank you, Chair. So, good morning, Mr. Mossman.

MR. MOSSMAN: Good morning.

COUNCILMEMBER KAMA: So, I see that you had a long career in the travel industry or in the tourist industry, and so I wanted to ask you, what other things...have...what other experiences have you gone through in your life that would you be able to bring to the Affirmative Action Commission [sic]?

MR. MOSSMAN: How much time do you have?

COUNCILMEMBER KAMA: I don't have a whole lot of time, but if you can do it maybe in about two or three minutes.

MR. MOSSMAN: Well, you know, there's one thing the industry, talking about the hospitality industry, has changed so much in the years I've been working. I started my first job with Ala Moana Hotel back in 1970. So, that gives me pretty much a 49-year growth in that industry that is basically our number one driver. So, being said, what happens now is that with the changes of the type of visitors that we get to the islands, it presents a whole bunch of challenges because we went from the visitors to a lot of return guests. Now we got a lot of ownership. And so, with all of that being said, you know, some of that, it has...it brings some of the bad to the islands, and it just basically is one of those things that we as government people have to kind of be really, really strong and aware of. But being part of the industry as we have been, you know, there's also some very positive things that come along with that. So, I hope I kind of answered that without getting too involved.

COUNCILMEMBER KAMA: Kind of. But what other things in the community have you been active in besides --

MR. MOSSMAN: Oh, gosh.

COUNCILMEMBER KAMA: --that?

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MR. MOSSMAN: Well --

COUNCILMEMBER KAMA: So...

MR. MOSSMAN: --personally, I'm doing the HTA, the Hawaii Tourist Authority liaisons. And so, part of my job through the Office of Economic Development has been working with the grants --

COUNCILMEMBER KAMA: Okay.

MR. MOSSMAN: --and our contracts with our various grants. And so, HTA has three different grant categories. One is the Community Enrichment program; and Kukulua Ola, which does everything with the resources; and the Aloha Aina with the land. And very, very interesting to see that we have in the community this body that it gives grants to our various contractors as we can say. And amazing, I just thoroughly enjoy being a part of that system only because it brings about a lot of working relationships on how do we do something better. And normally, when you're talking about Community Enrichment; you're talking about Kukulua Ola, the resources; and Aloha Aina, the land, it just touches all the parts that we need. And so, that's really exciting. And to be representing the County of Maui is...I enjoy that.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member Kama. Seeing no other questions from the Committee, I'd like to excuse Mr. Mossman from the podium. Thank you very much --

MR. MOSSMAN: Nice --

CHAIR MOLINA: --for --

MR. MOSSMAN: --to see you, Chair Mike.

CHAIR MOLINA: --being here. Same --

MR. MOSSMAN: Thank --

CHAIR MOLINA: --here.

MR. MOSSMAN: --you very much.

CHAIR MOLINA: All right. Members, Chair is ready to offer a recommendation. And --

UNIDENTIFIED SPEAKER: Recommendation?



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MS. BAISA: Thank you very much, Chair. It's been a pleasure getting to know Mr. O'Neil as our nominee by Mayor to the Cost of Government Commission. The Cost of Government Commission as you know helps the County promote economy, efficiency, and improve service to the public by reviewing existing County operations and policies and making recommendations to improve them. They submit an annual report of its findings and recommendations to the Mayor and Council, and sometimes send in interim reports also. Mr. O'Neil applied to be on this Commission. And I was very excited to get his application, and then we had a vacancy caused by having to...by Ms. DeRose having to leave the Commission. And so, you may remember that we nominated sometime earlier this year, not that long ago, Mr. Michael Williams to the Commission. And his terse remark was I'm the only man on it. So, I was looking and hoping that we would find a male, and Mr. O'Neil's application fell in my lap, and I was very, very happy. After a nice interview with him, I spoke with Mayor, and Mayor looked at it, and Mayor is very supportive. He thinks he's a wonderful addition to the Commission. He is actually Dr. Patrick O'Neil, having a Ph.D. in Public Administration from the University of Nebraska in Omaha, has an M.A. in Strategic Studies and National Security from the National [sic] War College, and a B.S. in Psychology from Washington State University. So, he has a tremendous amount of education. And he strongly believes that he likes to do citizen public service. He has over 40 years of experience. I discussed with him at length the need to be there and he's very committed, and he was most happy to be here today, very responsive answers. Whenever I call or send an e-mail, he answers right away. He's very excited and committed to do this. I also want to tell you that at the last meeting of the Commission, the Cost of Government Commission, I am very happy that the Commission is coming together very well. They had a very good meeting. And they set up all their temporary investigative groups, and they took on some heavy-duty stuff. And so, I think Mr. O'Neil will be a great addition to the group. And I...Mayor and I really hope that you will approve him. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Dr. O'Neil, if you please come up to the stand. It sounds like a courtroom drama here. I should say the podium. So, if you could just give us a brief, I guess synopsis of your intentions of serving on this Commission. And after that, I'll open the floor for questions for you.

MR. O'NEIL: Oh, thank you very much. I grew up in the military. And my first career, I served 27 years in the Navy, and I progressed through a number of different levels. Finally, I retired from the Joint Staff as a Navy Captain. The service that I had in the Navy and particularly in the Joint Staff, and my education at the Naval War College really oriented me more towards public service than just being in the military itself. So, as a result, once I was out of the military, I went back to school, pursued my Ph.D. in Public Administration. And after receiving, we spent ten years teaching and doing research in government and particularly in the structure of policy, policy implementation, and then how policy performs and how operational systems are managed, and how we can improve them. I retired from the university about a

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year-and-a-half ago. My wife and I had always dreamed of living in Hawaii. I was a Navy Carrier Pilot by trade. I was primarily off the West Coast. I spent a lot of time in Hawaii. In fact, my wife was born in Honolulu, at Tripler Hospital. So, our coming back to Hawaii was really a great event. I understand the importance of governance. I also understand the complexity and difficulties of governance. And I hope that my experience, my education will lend itself to the Cost of Government Commission. And one of my areas especially is in hazard identification risk management. Before I applied to, for the Commission, I reviewed the standing report and also one of its specialized studies and workplace safety. And I guess I'll just say that Maui has the same problems that most governments do in workplace safety and fire and public safety overtime, and in economic development, which are areas that I've researched and studied before. So, I'll quit talking now. You know, God, I'm on my favorite topics myself. So, I'll back off now and answer any questions that you may have.

CHAIR MOLINA: Okay. Thank you very much, Dr. O'Neil. First of all, thank you for your service to our country, and you certainly hit on a lot of important points as it relates to addressing, you know, those issues that you just mentioned, which is of much interest to this Committee. All right. I'm going to go ahead and open up the floor. We'll start with Chairman King, followed by Councilmember Sugimura.

COUNCILMEMBER KING: Thank you, Dr. O'Neil, for being here, and for your willingness to serve 'cause I noticed that you applied for a lot of different boards and commissions. So, you're just willing to serve generally. And I just wanted to...I was looking at your application and I just wanted to address the statement you made as background and evaluation of government administrative and political operations. So, can you kind of give us some maybe detail on your background on administrative operations, governmental administrative operations?

MR. O'NEIL: Yes, the...my primary areas when I was doing research where at first I was in intermodal transportation, electric transportation systems. So, I interface...started to interface with county and city government and some Federal agencies, in aviation, in just intermodal transportation, and the government effort in highway construction and rail, and so on. Then I moved into the emergency management realm where it became very intense, and the evaluation of emergency management systems, public safety systems and police. So, I served in various advisory capacities in monitoring interns, or when our people were hired or when requested by city, county, or state for various government agencies in their performance.

COUNCILMEMBER KING: Okay. Then did you have interactions as far as the efficiencies and economics of those operations?

MR. O'NEIL: Well, efficiency and cost are always two big issues in any of these areas. Government size is complex. There's the big demand for services but resources are finite. So, what little resource we have how efficiently they're applied really becomes a...an issue particularly for being challenged. I get myself in trouble by people who

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think that government can be run like any business. And, you know, there are some elements that are common to business and government but social welfare considerations aren't part of your cost benefit analysis for business.

COUNCILMEMBER KING: Right, right. Well, thank you for...thank you for that statement. And the other...only other thing is because you mentioned political operations that I can kind of sense an understanding of the politics involved but we also need to have a separation of that in certain areas. So, just...can you speak to that?

MR. O'NEIL: Well, yes, the thing that I do and have done is I do, try to do unbiased research and provide good data information for people to make good decisions for government programs. The political separation has, sometimes it's interesting, I've seen sometimes they have really good information and ignore it and do something else, and...which can be frustrating. As a matter of fact, there's a whole body of literature on that within the academic realm. But overall, I think government does tend to make good decisions if they have good information. And when they don't, then we need to have processes in place to ensure that we increase our ability particularly like for the safety, the workplace compensation issue, and the cost of that. I was very interested in that, and that's an interesting area that I think you can make massive improvement.

COUNCILMEMBER KING: Okay. Great. Thank you. I appreciate you being here.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR MOLINA: Thank you, Chairman King. Councilmember Sugimura, followed by Councilmember Sinenci?

COUNCILMEMBER SUGIMURA: Thank you very much for being here and nice to meet you. I'm just curious, your application or resume says that you are the CEO of Flatwater EM Tech.

MR. O'NEIL: Yes.

COUNCILMEMBER SUGIMURA: What is it and where is it housed?

MR. O'NEIL: Flatwater EM Tech is a startup software company that has made zero progression, and it...we ran into a lot of problems being primarily being the funding for some of the systems. The headquarters right now sort of is in Omaha, Nebraska except I'm going to move it here, but there's an issue with hiring folks with the technical background. So, the future of the company is in limbo right now. It's...we are divesting, some of my partners. And so, that's up for grabs is what is going to happen there.

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COUNCILMEMBER SUGIMURA: So, by looking at your resume, it looks like that you have worked for that company from June 2018 to present. And before that, you were basically living off-island?

MR. O'NEIL: Yes, correct. I was living in Omaha, Nebraska where I worked at the University of Omaha. But we've been on island for about 18 months.

COUNCILMEMBER SUGIMURA: And would you be able to, I guess what my question was would you be able to attend meetings if you're heavily involved as a CEO? I know this is usually Keani's question but...

MR. O'NEIL: Yeah, the...yeah, so the company in the last few months as I said I think is on the verge of being nonexistent. But the, my understanding is that the Commission meets once monthly on the second Tuesday, and there shouldn't be an issue for me.

COUNCILMEMBER SUGIMURA: So, you would be able to attend --

MR. O'NEIL: Yes.

COUNCILMEMBER SUGIMURA: --and bring your wealth of knowledge to the Cost of Government Commission?

MR. O'NEIL: Correct. Now, I wouldn't apply if I wouldn't be able to attend to do the job properly.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. My question was answered earlier. Thank you.

CHAIR MOLINA: Thank you. Members, any other questions for Dr. O'Neil? Councilmember Paltin, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Aloha, Dr. O'Neil, thank you for being here today and your service to our community.

MR. O'NEIL: Thank you.

COUNCILMEMBER PALTIN: In that you moved here within the last 18 months, I was wondering what is it about Maui that you love?

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MR. O'NEIL: Thirty-five years ago when I was on a Pacific Rim exercise prior to going on deployment, my wife came over, met me in Honolulu. We came here and spent a week. The short story is had I not been on active duty and the FBI and everybody else would come looking for me, we'd have never left. So, we came back and we always had a plan to come here, I mean for three decades. And our subsequent trips just enables to fall more in love with the area. I mean Hawaii is an extraordinarily unique environment. I mean I spent over the last two decades in the Midwest. It's a very different culture, and I love the Hawaiian culture, its diversity and its inclusiveness. And that's one of the reasons I'm applying for the Cost of Government committee. I think it's important to protect that.

COUNCILMEMBER PALTIN: And that you like the culture and the people, and your military background, how would you use that to protect the culture within the context of the Cost of Government Commission?

MR. O'NEIL: Well, that goes a lot with the diversity issue. I grew up in a very diverse arena when I was growing up in Washington State. I'm so old, that when I was in school, if, for people who remember the interracial marriage was illegal in the southern part of the United States. So, a lot of kids that I went to school with were products of interracial marriages. So, that was the environment that I grew up with. I went into the military and it was very diversified, and the Midwest, not so much. And I'm very comfortable in this environment. And the uniqueness of Hawaii as opposed to the, say the mainland, for example, is, to me, it's much more inclusive. It has an environment where people are more accepted to express their ideas and just being more kind. And I think government had...plays a big role on that 'cause government can suppress that if it chooses to do so. So, that's one of the things I think we really need, you know, to guard against. Before I get myself, and I don't know how much trouble I'm going to get in here but...so.

COUNCILMEMBER PALTIN: The municipal government from the town that you lived in in Nebraska, were they a county manager or was it a strong mayor, or how was that county government or municipal government --

MR. O'NEIL: Omaha --

COUNCILMEMBER PALTIN: --job?

MR. O'NEIL: --has a strong mayoral system, and it has a city council but it's very strong mayor. It's a...it's kind of...it's a very conservative area. And it's still, I mean it's Democratic, but it's just a different, I'm going to use the word vibe, but it's different from the kind of government system that I have received here.

COUNCILMEMBER PALTIN: Thank you.

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CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. O'Neil.

MR. O'NEIL: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your willingness to serve on our County Commission. And okay, so, I have a couple questions. Mahalo, Member Sugimura, for asking my attendance question. I think you kind of spoke to how you would like to contribute. But in case you missed anything, I'll give you that question. How would you like to contribute to the...or how do you plan to contribute on the Cost of Government Commission?

MR. O'NEIL: Oh, the...well, I can say that the...my background and ability to conduct research, I spent almost two decades as a professional researcher and technical writer. So, I think I can bring that to, immediately to the table. I'm well-versed on a number of analytical techniques that try to limit bias, yeah, so that we can produce good data. So, I think that's the contribution. The core for any emergency management system, which I worked in for the last, almost last decade, is hazard identification and risk assessment of which cost containment is a critical component. So, I think I can also bring that. My areas, I was reading the minutes of the last Cost of Government meeting, and they were discussing about areas to which they wanted to investigate further. I can tell you I was, you know, the wildfire situation is interesting here. That cost is something I think we need to kind of take a look at, as also far as the overtime and just the overall cost that they're grappling with. I'm also really concerned, and I am assuming people have done something, the climate change issue, the sea level increase is probably the predominant long-term...well, it is a predominant, a long-term threat, I've seen a lot of research in the area, and I'm not certain that that is not a short-term threat as well to the islands. So, those are something that we really need to start looking at, estimating the cost and the actions associated that are needed to hopefully mitigate that 'cause that's going to be serious.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. O'Neil. I share your concerns.

MR. O'NEIL: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: And my last question is did you...so you're here for...so you applied for boards and commissions in June. So, you were here for about a year?

MR. O'NEIL: Yeah, when I applied, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: And what made you seek...did you seek out this application to sit on a board or commission, or were you asked to...

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MR. O'NEIL: Oh, I sought it out. You know, I've spent the last 20 years, you know, serving on and off different advisory committees. And after I retired, I sat and looked around and went, you know, I have the time to be really involved. And I think it's important for every citizen to do something. So, that's my intent.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. I didn't see the information that Chair King has. What were the other boards or commissions that you applied to?

MR. O'NEIL: I had kind of a menu. I decide...once I decided I wanted to serve, I wanted to see if I could find some...I kind of tried to prioritize where I thought I was most qualified for. So, I think the first two were the Cost of Government, and the second one was Public Safety since that was, you know, in the emergency management-police-fire realm. But...then I kind of went down from there. So, that's how I made those decisions.

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

MR. O'NEIL: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Thank you, Vice-Chair Rawlins-Fernandez. Okay. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, Dr. O'Neil, how many Federally-recognized tribes do you have in the State of Nebraska?

MR. O'NEIL: There are four, the Ponca, Santee, Omaha, and the Winnebago.

COUNCILMEMBER KAMA: So, have you ever had any interaction with them?

MR. O'NEIL: Yes. I...when I was at the university, I started up the Emergency Management program. And as part of that process, we developed the Tribal Management Emergency Services curriculum. UNO was sort of unique in that we had a Native Studies program, and we had an Emergency Management program but they were separated. So, I was approached by a national organization, the Tribal Emergency Management Association to see if we could get a certificate developed for tribal emergency management. So, I contacted Ed Zendejas who's the head of Native American studies. We brought the programs together and formed the tribal management section. To answer your question, we work with FEMA serving in an advisory capacity, also, with the Bureau of Indian Affairs, and we would conduct annual or semi-annual tribal emergency management conferences that were actually sponsored by the Ponca Nation under the direction of Chairman Larry Wright. I also worked with both the tribal community colleges trying to develop curriculums and ways to bring tribal reservations students into university system, and we were very

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successful at doing that. Ed and his daughter Jordan actually hired into the program full-time. Ed serves as the senior trial judge for the Omaha's, and Jordan is a judge for the Winnebago's while they're not teaching at the university. So, we had very strong connections with three of the tribes and kind of a tangential association with the Santee.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Kama. Well, seeing no other questions from the Committee, Chair would like to close by thanking you, Dr. O'Neil. And I believe your military and private sector background will certainly be an asset to this Commission. And I appreciate you doing advance intel if you will on this Commission. I guess showing your military background on that. And I think even though you've spent a majority of your time on the US mainland, I...but your time that you spent here in Hawaii briefly and of course, with your spouse, and it certainly give you a very good perspective about the cultural, you know, issues that was mentioned by Member Paltin. So, thank you. It's much appreciated and thank you for going through this. It's almost like a Senate inquiry here but really appreciate you responding to the questions.

MR. O'NEIL: All right. Thank you.

CHAIR MOLINA: Thank you, Doctor. Okay. Members, Chair is ready to offer a recommendation. Okay. Chair's recommendation is a motion to adopt the proposed resolution approving the nomination of Patrick O'Neil to the Cost of Government Commission.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: It's been moved by Member Kama, seconded by Member Sugimura. Members, discussion? Member Hokama?

COUNCILMEMBER HOKAMA: Chairman, I'm going to be voting no on the motion this morning. I listened to Mr. O'Neil. I appreciate his comments. But my concern is not his qualifications as much as I need better geographical representation of this County on this Commission. I find it intriguing that the key areas of our most country areas, Molokai and East Maui, does not participate with Lanai on this important

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Commission. We need all areas of the County to participate. Molokaians know Molokai best. We need that voice. East Maui people need a voice from that area. They know what is happening in their districts, Chairman. I need people who's going to give us a Countywide perspective of what's happening in the Countywide perspective. So, for me, looking at how the current district makeup is being made, I feel that we can do a better job. You know, my thing is the Mayor can ask the district Member if there's recommendations or other names that could be considered, but I think we should make a better effort to represent this County more responsibly. Thank you.

CHAIR MOLINA: Okay. So noted, Mr. Hokama. And I'm sure Ms. Baisa will take that suggestion to heart. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Hokama, for bringing that up. I also noticed that and would like to have Molokai representation. I hope the Mayor's Office will be asking his liaison to help look for someone to represent Molokai, and I can do what I can to help. And if I'm asked, I would love to submit names. I do have names that would be interested in serving on this Commission. But I also just noticed that half of the Commissioners' terms expire on...in 2023, and then half of them expire in 2024. And I thought...oh, it says that they will serve staggered terms. And so, I'm curious about why it's 2023 and 2024 for half and half and not, you know, next year, there's going to be that expire, and then the following year, there'll be another one or two. If, Chair, you'll allow Ms. Baisa to answer.

CHAIR MOLINA: Okay. Ms. Baisa?

MS. BAISA: Yes, thank you very much, Chair. As you know, I inherited this Commission, and we've had a lot of things happen on it. And my main focus has been trying to find people who were willing to serve. The Cost of Government Commission is very difficult because of the work they do. It requires a lot of research, a lot of personal time, and people that are willing to write and research on their own. And so, it's a Commission that when I ask people if they want to be on it, they say no. I want to be on something else that's easier. So, it is difficult to find people to serve. Now, the staggered terms, I'm really sorry, I don't know how we got to where we are but I've just been filling the vacancies as they occurred. Maybe Corporation Counsel knows more, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Corporation Counsel doesn't know. Okay. And so, I guess to follow up with my earlier comments and comments from Member Hokama, would you be open to taking suggested names from me?

MS. BAISA: As you know, I have sought help. And in this case like I said, it was coincidental that Mr. O'Neil's application was submitted when it was, and it was such a perfect fit. So, please be aware that I am aware. I'm trying to find gender balance. I'm trying to find geographic balance. But sometimes, we just have to decide something and go

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because the commissions need the members. And when we don't have the members, quorum is affected.

VICE-CHAIR RAWLINS-FERNANDEZ: And the names I have are actually males too, so, for this Commission. So, it would help with gender balance. Mahalo, Ms. --

MS. BAISA: Oh --

VICE-CHAIR RAWLINS-FERNANDEZ: --Baisa.

MS. BAISA: --very good --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh...

MS. BAISA: --I'll call you.

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

CHAIR MOLINA: All right. Thank you, and thanks for keeping the lines of communications open. And just look...recalling things when I was up on the 9<sup>th</sup> floor, I believe we had Mr. Bunn from Lanai, that was on the Cost of Government Commission, the last, who did an excellent job. And recently, we had Mr. Kimball from Molokai who withdrew, and prior to that was Ms. Haliniak, who he had replaced. So, I'm sure the Administration will do their best to work with both of you. And I'm...I certainly agree we need representation from both islands. Chairman King? Oh, I'm sorry?

COUNCILMEMBER KING: Oh, well...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR MOLINA: Oh, and Hana. I'm sorry.

COUNCILMEMBER KING: Oh, I...

CHAIR MOLINA: I thought you were pointing to Chairman King.

COUNCILMEMBER SINENCI: Oh, I just had a clarification --

CHAIR MOLINA: Okay.

COUNCILMEMBER SINENCI: --question, Chair, for Ms. Baisa. So, it looks like the first four members would expire at the end of March in 2023, and then five including today's applicant would also expire the following year, in 2024, is that correct? So, we'll be losing half the Board?

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COUNCILMEMBER KING: In three years.

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yes, according to the terms that are here, it...there may be an issue with having to deal with terms. But I'll have to discuss that with Corp. Counsel. I can't answer your question now.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you. All right. If there's no other...oh, sorry, Chairman King, followed by Member --

COUNCILMEMBER KING: I just --

CHAIR MOLINA: --Paltin.

COUNCILMEMBER KING: --wanted to say that I support the nominee, and I think the qualifications are outstanding. I think that...I appreciate Ms. Baisa's explanation about how difficult this particular Commission is to fill. And I also appreciate the fact that you're trying as hard as you can to balance out this, you know, all of the boards and commissions because it's been an ongoing issue from the time when I sat on the previous Mayor's Blue Ribbon Committee. But I also wanted to point out that this one has multiple resignations as well, and there are people who replaced somebody who resigned, who replaced somebody who resigned. So, as...so, you know, I'm hoping that at some point, we can get a little more consistency as far as people staying on it but I don't think that's the fault of this applicant. And I do want to say that I think this Council, more than my previous experience as a Councilmember or a citizen, has taken these positions very seriously. And that's why, you know, people may feel like they're facing an inquisition up here but it's just because we do take these boards and commission positions seriously. And we appreciate it when people come forward with qualifications, and then fulfill their duties to the end of their term. But that does not always happen. So, that's kind of out of our control. And anyway, I support the nomination. Thank you.

CHAIR MOLINA: Thank you, Chair King. And as it relates to the terms, I guess it's one was unusual anomalies that we have, you know, a group going out on 2023, another group going out in 2024 all at once. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I had a point of information request for Ms. Baisa. For the...for this Commission when they meet, can the rural districts go through the offices to attend the Commission meetings? Or do they have to come in in person to Maui?

MS. BAISA: Chair?

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CHAIR MOLINA: Ms. Baisa?

MS. BAISA: At present, we are not set up to do that but we could be. We have a technical writer who is off-island and she calls in from the mainland, and we do that. So, we'd have to set that up again with our neighbor island offices.

COUNCILMEMBER PALTIN: What would the setup entail? Would it...would they...it have to be like a place where public testimony could be taken and it's a public location?

MS. BAISA: It's my understanding. But I'll have Mr. Kushi answer that since it's a legal question.

COUNCILMEMBER HOKAMA: Point of order, Chairman.

CHAIR MOLINA: Yeah --

COUNCILMEMBER HOKAMA: We...yeah, you have a --

CHAIR MOLINA: --Mr. Hokama?

COUNCILMEMBER HOKAMA: --motion on the floor regarding a vote. I think we straying from the parameters.

COUNCILMEMBER PALTIN: Okay. Well, it was going to affect my vote. But that's okay, I'll just vote the way that I feel like then instead of getting an educated --

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: --opinion.

CHAIR MOLINA: Member Paltin, if you'd like that question answered from Ms. Baisa, we can do it under the Chair's signature or under your office. What is your pleasure? We could ask that question off...outside of this meeting.

COUNCILMEMBER PALTIN: I don't really care anymore.

CHAIR MOLINA: Okay. All right. Thank you, Member Paltin? Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to say that although Mister...Dr. O'Neil has been on-island like a year, it's like oh my gosh, I mean how much does he need to learn about who we are, what we are, and where we're going to go? But just the fact that he decided that when he comes, and the fact that he came here maybe 35 years ago, fell in love with the place and always wanted, and had the dreams, the desires of his heart to come here and live, that the first thing he thought



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**GET-2(22) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI  
COUNTY COMMISSION ON PERSONS WITH DISABILITIES) (CC 19-24)**

CHAIR MOLINA: Okay. Moving on to our next item, final nominee for today is GET item 2(22), which relates to the appointment of Robert Carroll to the Maui County Commission on Persons with Disabilities. And this will be for a term expiring on March 31, 2020. Mr. Carroll is here. And again, I would like to recognize Ms. Baisa for a brief introduction of Mr. Carroll who I don't think needs a long introduction. We all know him very well. But, Ms. Baisa, you have the floor.

MS. BAISA: Thank you very much, Chair. Again as stated, Mr. Carroll probably needs no introduction; however, he is here as a nominee from the Mayor this morning. And he, you know, will be handled like everybody else. The Commission on Persons with Disabilities of course, is a very important Commission here. It assists the County in rendering services to persons with disabilities by performing their duties. And their duties are reviewing County policies and practices to make sure that they have...what is their impact on persons with disabilities; recommends use of monies received from Federal and State governments for programs and improve the accessibility; recommends changes to policies and practices that do not need...meet the requirements; reviews County program and facility access to determine their impact on persons with disabilities; and recommends changes and additions to ensure full availability of services to persons with disabilities; promotes housing, employment, transportation, and other activities, which address the needs of persons with disabilities; and educates providers of community service and other members of our community concerning nondiscriminatory practices and laws regarding persons with disabilities. Mr. Carroll as we all know uses a wheelchair, and he's done that for many, many years. And I'm sure that he is very familiar with our facilities and our...of accessibility and the things we try to do to comply with ADA. He has been a Councilmember and he has been a member of...and is still a member of the Hana Maui Trust Board and Maui County...he's been on the Maui County Planning Commission, he was chair. He's been on the Maui County Council and the Maui Adult Day Care Board. And I also know that he was on the Council on Aging, representing the Council until recently. He has a high school diploma from Hana High and Elementary. And we know he's a lifelong Hana resident and brings that wonderful perspective to the committee. The Mayor is very excited to have his service and we respectfully ask your support.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Mr. Carroll, if you'd like to come up and share some brief opening remarks, and then respond to any questions? Mr. Carroll, first of all, it's good to see you again. Shall I call you Councilmember Emeritus? But you have the floor, Mr. Carroll?

MR. CARROLL: Thank you, Chair. It's really an honor to be able to go over there and serve on this committee. I've been with Maui Adult Day Care and Older Americans. And when I was on the Council of course, I had Land Use and Housing, and we addressed

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a lot of this, especially I'm still with Maui Adult Day Care and Hale Hulu Mamo in Hana. I'm on, chair of the board. And we service these people who have disabilities. We're the ones that take care of them. And so, we hear all of the problems that they have, all the difficulties with just about everything you can think of from their housing, to shopping, to transportation, to medical, to restrictions that...through no fault of their own that they have to live with, and that can be very difficult. February 22<sup>nd</sup> of this year, I've been in this wheelchair for 40 years. It...that amount of experience alone working with other people that are disabled I think gives me a unique ability to come forward and address the problems that I have seen, I know, I have lived with. And more importantly, especially with like serving on the Board of Maui Adult Day Care, which I was on before I resigned when I came on the Council because they receive money from the Council, from the County, and then I when back on when after I retired. And working with those people, that has kept me current on what's happening now. It's not just what I saw before which is important too, and especially issues that housing and just the basic services the disabled and the handicapped have to go through. Parking is one thing that is difficult, transportation, and getting the government and County and Planning Department, and State agencies to really recognize more of what is needed. Just simple things like having handicap bars instead of towel racks. Every year, I can't...there's no statistics but a lot of people become permanently disabled because they're older. They slip, they get disoriented, what's the first thing you grab in the bathroom, the towel rack. That thing just pops right off. They fall down. They get seriously injured. Some of them handicapped for the rest of their life. Simple things like that that if you might notice on television you've seen lately, if anybody has watched, they have, you know, protect yourself, you know, put grab bars, take away floor rugs that can slip and you fall, and things like that. Most things are simple and most things aren't addressed. This is just for a short time, this appointment. And I would really hope through my experience that I can be a positive member of the committee. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Carroll. I think you answered all of my questions that I had already on this but good job. Members, the floor is open for questions. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, mahalo, Chair. He did answer a lot of my questions, too. So, I'll just ask about your attendance. Do you see any conflicts in your schedule that would prevent you from attending all the meetings until next March?

MR. CARROLL: Oh, no. It's much, much easier than when I was on this Council I'll tell you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Yeah, that's all the questions, I was going to ask how he would like to contribute but he kind of already outlined some of the things that he would like to...some of the ways that he would like to contribute. So, mahalo.

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CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. It must be the experiences as a Councilmember. He kind of anticipates what we're going to already ask, yeah? So, but anyway, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, nice to see you here, Bob. Is Geraldine out in the lobby? She would always be --

MS. BAISA: She's --

COUNCILMEMBER SUGIMURA: --with you every day.

MS. BAISA: --in the back.

COUNCILMEMBER SUGIMURA: Oh, she is.

MR. CARROLL: She ran away.

COUNCILMEMBER SUGIMURA: Oh, there. Hi, Geraldine.

MR. CARROLL: Oh, there she is.

COUNCILMEMBER SUGIMURA: Yeah, so, thank you very much for your years of experience and what you have contributed towards the community in Hana, as well as the County Council. And I will tell you that the Commission on Aging, I got to serve with you. So, I saw him in action for a little while on that Commission. And thank you very much for that. But without doubt of, you know, you have my vote, and I know that you will give a lot of your personal experience to make Maui County a better place throughout the whole County. So, thank you very much, Bob.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any other questions for Mr. Carroll before the Chair makes a recommendation? Okay. Seeing none, Chair would recommend the adoption of the proposed resolution approving Robert Carroll to the Maui County Commission on Persons with --

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: --Disabilities.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by Chairman King, seconded by Member Kama. Any discussion, Members? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: All those opposed? Okay. Thank you. Chair will mark it unanimous, nine "ayes."

**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. Carroll, and good --

MR. CARROLL: Mahalo.

CHAIR MOLINA: --to see you again.

COUNCILMEMBER KING: Mahalo.

CHAIR MOLINA: Mahalo.

**GET-3(1) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2020 HSAC LEGISLATIVE PACKAGE) (CC 19-25)**

**GET-4(1) MAUI COUNTY LEGISLATIVE PACKAGE (2020 MAUI COUNTY LEGISLATIVE PACKAGE) (CC 19-26)**

CHAIR MOLINA: All right, Members, moving right along, we now have our next item GET item 3(1), which is Hawaii State Association of Counties 2020 HSAC Legislative Package. Members, the Chair was also looking at the next item, which is the Maui County Legislative Package for the 2020 year. Any objections if...they basically have the same items. Any objections to also taking up that item, incorporating that into one --

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COUNCILMEMBER SUGIMURA: No objections.

CHAIR MOLINA: --discussion? Any objections?

COUNCILMEMBER KING: I'm sorry --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --Chair, could you repeat that...

CHAIR MOLINA: Yes, looking at the next item, GET item 4(1), because I believe the...we have the same items in that particular Committee item as well, I'd like, if no objections, I can incorporate the discussion of both.

COUNCILMEMBER KING: Oh.

CHAIR MOLINA: Yeah, discussing two items at once if you...two-for-one.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Any objections to operating in that fashion? Seeing none, okay, all right, majority of these items I believe all of them were submitted to us by Councilmember Sinenci from Hana. So, how I would like to proceed is maybe Mr. Sinenci briefly describe each of those --

COUNCILMEMBER SINENCI: Sure.

CHAIR MOLINA: --these proposals, and then we'll open the floor for any Q&A on it. So, you have the floor, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And just for clarification, so the first one, the GET-3(1) is for the HSAC. And that one is towards all Hawaii counties. And then the second item, Maui County Legislative Package is just specifically more for Maui County. So, the first one, correspondence dated August 5, 2019, from Councilmember, myself, transmitting a proposed resolution Approving...entitled Approving for the Inclusion in the 2020 Hawaii State Association of Counties Legislative Package a State Bill to Increase Funding for Agriculture. And as you know, there is a need to support agriculture for reasons of economic development, food security, environmental protection, and the quality of life. Currently, only 0.4 percent of the total State Budget is allocated for agriculture. Close to 90 percent of food is imported from the mainland and elsewhere around the world. The closure of the sugar and pineapple industries have left thousands of agricultural lands in fallow. We want to diversify our economy to include agriculture and not to just depend on tourism for our sole economic engine. Also, additional funding could promote startup operations for small farmers as we see small family farmers now make up almost

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90 percent of agricultural activity. Funding could help to identify and establish important agricultural lands. Currently, 7.5 million is available annually for IAL-related activity but only as little as over a million dollars is currently used...was currently used in the FY 2018. So, this lack of use could make it difficult to make the case that the funds are continually needed. Additional funding will increase inspector positions and key facilities at all ports of entry including airports. And we talked about using...possibly using some of the airport funding that is generated at all airports. Also, funding will increase inspector positions for biosecurity and quarantine checkpoints at ports and airports including possibly agricultural checkpoints at airports that are entering into the Hawaiian Islands. So, these are some of the...another one is to update and revise the Hawaii Agricultural Statistical Service database. Many of the farmers that are on this database have long passed. So, there's things that need to be looked into, make current including the Agribusiness Development Corporation to look for waste and possibly fraud or abuse. So, these are some of the things that could help to fund agriculture in our County and around the State.

CHAIR MOLINA: Okay. So noted. Thank you very much, Mr. Sinenci. We had Member Hokama, followed by Chairman King.

COUNCILMEMBER HOKAMA: Okay. Chair, we're going to do a bill at a time is your preference? Okay. Thank you.

CHAIR MOLINA: And --

COUNCILMEMBER HOKAMA: No, thank you. Thank you for the...

CHAIR MOLINA: --how I would like to proceed basically we vote basically to incorporate...if we...it is supported to go both into the HSAC and the Maui County Legislative Package all at once if there are no objections to voting that...in that fashion.

COUNCILMEMBER HOKAMA: Okay. Chair, we'll follow your direction, your thing.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: No, I just wanted clarity. Thank you.

CHAIR MOLINA: No, I appreciate. It's good --

COUNCILMEMBER HOKAMA: I --

CHAIR MOLINA: --for the Members' --

COUNCILMEMBER HOKAMA: --support --

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CHAIR MOLINA: --knowledge.

COUNCILMEMBER HOKAMA: --this bill. What I would suggest though is that a lot of the good things Mr. Sinenci just shared, I think that should be part of Section 1, under the Purpose.

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER SINENCI: Okay.

COUNCILMEMBER HOKAMA: And therefore, after you state your great rationale, my colleague, then would come that sentence you placed, that "Legislature finds" that it needs to support agriculture, yeah. I don't know if you wanted it to do this massive giant shotgun slug for the whole State or if you wanted to more maybe more address Maui County's ag lands. Because I know eventually, it's going to come down to how much money, yeah, you want to put into this program. And knowing the Leg, they got a lot of big bills they have to address. So, I don't know if strategically for our County, you want to make it more concise to our County and plug in a number for consideration that makes sense for them to look at and say, okay, Maui County did some smart calculations and it's a fair number, it's a not ridiculous number so they could --

COUNCILMEMBER SINENCI: Right.

COUNCILMEMBER HOKAMA: --seriously, and see if our delegation can push it that way, Mr. Sinenci. That...so, that will be my recommendation. For the County, you know, we should be looking at least \$30 million of State General Fund support to...for the first year's request because you need to develop programs, yeah? So, one is how do we justify the financial number we wish to request? But I'm in support of this. Lanai could use another shot in the arm. Molokai has great lands. This island has great lands. I think we can get back the component of our agriculture, is a reasonable size economic driver that provides a more stable type of employment than based on jet planes and people. Thank you, Chairman.

CHAIR MOLINA: Okay. So noted. Thank you --

COUNCILMEMBER SINENCI: Mahalo --

CHAIR MOLINA: --Mr. Hokama --

COUNCILMEMBER SINENCI: --Member Hokama.

CHAIR MOLINA: --for the insight.

COUNCILMEMBER SINENCI: Thank you.

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CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Well, I was going to...I had kind of the same issues as Mr. Hokama. The purpose of the HSAC is to support bills that affect all of the counties. And generally, then we separate out the issues that are specifically for Maui County into the Maui County package. So, I see two separate bills here. We can support a bill that increases in general, agriculture across the State as part of the HSAC package. But if we're going to talk about specifically what we need on Maui, then it needs to be a bill that outlines those specific things for Maui, and also we put that into the Maui package. Because we had...and we've had this discussion at HSAC where we had in my term so far is that we actually had some bills in the HSAC package that were very specific to, you know, a couple of the neighbor islands that really should have been in their own individual packages. And so, I think what we need to do here today is to separate out what goes into the HSAC package and what goes into the Maui package so that we're not...you...because we don't want to have 57 bills on the Maui package, and, you know, we're only going to have so many bills in the HSAC package. And we want to make sure that we make good use of the power of the, all four counties coming together for those bills, and we're not throwing a bunch of bills in there just to have them in there as well as Maui's package to make the best use of where we're putting our emphasis. So, I agree with Councilmember Hokama that we should look at this for...if we're going to distill it down into what the money should be used for and put a specific amount in it, that should go into the Maui package. But it...the way it's written right here, there's no guidance as to how that money would be spent. So, this bill I don't have a problem putting it in the way it is into the HSAC package to just look at increasing agriculture spending in general. But it still might need to have a little more guidance as to where that money goes. I mean recently, we just saw a councilmember...I mean...councilmember...House Rep, Chris Lee, who chairs the Energy Committee, put an item into the State Budget. I think it was 300,000 that he put in for...to...that was supposed to be granted to schools for composting operations. The State...nothing was put into that bill that directed them to do that. And so, the State took that money and instead gave the bulk of it, 285,000 I think to an engineering firm to oversee this program. And there's no money left for the schools. So, if we don't delineate what we want in a specific bill and why, then it's just going to be this big...even if it does pass, it will be this big pot of money that we have no control over.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So --

CHAIR MOLINA: The --

COUNCILMEMBER KING: --that...

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CHAIR MOLINA: --Chair agrees with both your points. Maybe either Mr. Hokama or Chairman King, what is our deadline to submit this? 'Cause I'm thinking if Mr. Sinenci has no objections, we maybe defer on this. He can go work on the numbers. Is there maybe Staff or some...could someone tell me what is our deadline to submit this?

COUNCILMEMBER KING: Well, I was hoping that the deadlines would be on...in your posting. So, I don't have them with me. But I can get my office to bring them down 'cause we do have an HSAC list of deadlines. And I actually was, am working on some bills to resubmit for the HSAC package, which I was hoping to get posted on the 9/6 Council agenda. So, it is coming up. The...there's really no deadline for the Maui County package. We can pass additional pieces of legislation to put in the Maui County package all the way up until even past the opening of Legislature if we want to. It's the HSAC package that's the deadline that we need to be worried about because we have to make our recommendations, then the HSAC Board has to vote on those collectively that come in from all the counties, and then it goes back to the counties to reverify in case there's something that comes in from another county that we don't approve of. So, that's a little bit more of a...so I'm going to ask my staff to bring those deadlines unless Ms. Apo Takayama has them.

CHAIR MOLINA: Okay. Thank you, Chair King. Okay. Deadline for each county to transmit proposals to HSAC is September 11<sup>th</sup>, ominous date, 2019. So, maybe if I'm reading your thoughts, we could pass the HSAC version out, and then we'll give, for the Maui County package --

COUNCILMEMBER SINENCI: We can defer.

CHAIR MOLINA: --we can give Mr. Sinenci time to conjure up some numbers for that particular bill. So, we'll vote just only on the HSAC for this particular matter then --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --Mr. Sinenci's --

COUNCILMEMBER SINENCI: Sure --

CHAIR MOLINA: --proposal.

COUNCILMEMBER SINENCI: --I can agree --

CHAIR MOLINA: So...

COUNCILMEMBER SINENCI: --to that.

COUNCILMEMBER KING: Okay.

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CHAIR MOLINA: Okay. Members, any thoughts --

COUNCILMEMBER KING: So, this --

CHAIR MOLINA: --objections?

COUNCILMEMBER KING: --would be, Chair, this would be the bill as written, and then --

CHAIR MOLINA: As written --

COUNCILMEMBER KING: --and --

CHAIR MOLINA: --currently.

COUNCILMEMBER KING: --so the bill basically is just an increase in the amount of money going to Legislature with no direction on where that money goes.

CHAIR MOLINA: Correct.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: More broad, yeah, so at this point. Any other questions, comments? Member Kama?

COUNCILMEMBER KAMA: Yes, I just want to thank Councilmember Sinenci for bringing this forward to us. I love what he said. I am very happy. But I want to ask him if he'd be willing to just include one new word in your purpose, and the word is floriculture. You talked about the different types of agriculture that can go on, and I know sometimes we think about flowers and plants. But I just wanted it to be said out there so that when the money starts coming down that we think about our florists and our nurseries and those people that --

CHAIR MOLINA: So --

COUNCILMEMBER KAMA: --are out there.

CHAIR MOLINA: --Member Kama, this is more --

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: --like a friendly amendment --

COUNCILMEMBER KAMA: Yes.

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CHAIR MOLINA: --for Mr. Sinenci's consideration?

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Mr. Sinenci, any thoughts? Are you okay with...

COUNCILMEMBER SINENCI: Yeah, we can support that.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Thank you.

COUNCILMEMBER KING: I'm sorry --

CHAIR MOLINA: All right.

COUNCILMEMBER KING: --Chair, what was the proposal that was...where was she proposing that would go in?

CHAIR MOLINA: Ms. Kama, could you again describe --

COUNCILMEMBER KAMA: In the section --

CHAIR MOLINA: --that for Chair King?

COUNCILMEMBER KAMA: --of the Purpose, in the Purpose part.

CHAIR MOLINA: Floral...what was it, floral...

COUNCILMEMBER KAMA: Floriculture.

CHAIR MOLINA: Floriculture.

COUNCILMEMBER KING: Is that Section 1?

COUNCILMEMBER KAMA: Yes, . . . *(inaudible)*. . . and that's what Councilmember Sinenci will be writing up as part of his whole proposal, right, will be. And so --

COUNCILMEMBER KING: Oh --

COUNCILMEMBER KAMA: --the section --

COUNCILMEMBER SINENCI: . . . *(inaudible)*. . .

COUNCILMEMBER KING: --I think...

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COUNCILMEMBER KAMA: --with the purpose would be part of that.

COUNCILMEMBER KING: Chair, I think we're a little bit confused. Because what we're looking at right now is this bill as it's written, correct?

CHAIR MOLINA: We're looking under the HSAC --

COUNCILMEMBER KING: The bill --

CHAIR MOLINA: --version.

COUNCILMEMBER KING: --that he's going to be working on for Maui is going to be reworked on and discussed later.

COUNCILMEMBER KAMA: Yes, but I think what he...his opening statements in terms and reading what it was, the purpose for the act that he wants to do. I think that was very important. I think that has to be someplace in the legislation when it's written up, and that's what I wanted to make sure --

COUNCILMEMBER SINENCI: Chair?

COUNCILMEMBER KAMA: --that it got in.

CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER KAMA: Thank you.

COUNCILMEMBER SINENCI: We can check if flora and fauna comes under overall agriculture. We'll check with that.

COUNCILMEMBER KING: It does.

CHAIR MOLINA: All right.

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Well, I...no, I'm just...I just want to be clear about what we're working on because I think we're getting a little confused. If we're working...maybe we should limit ourselves to working on the HSAC package at this state...at this stage. And if we're going to rework this bill, then we should be making proposals for amendments to the bill. Because I don't think it matters what the introduction is, what matters is what the...is the bill that goes into the package. That's all they're

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going to look at, is whether this bill goes in. So, if we're going to focus on specific types of agriculture, then that should be in the bill.

CHAIR MOLINA: So --

COUNCILMEMBER KING: That should be proposed as amendment.

CHAIR MOLINA: --you're suggesting maybe we consider an amendment to put this out on the floor as a motion, and then amend it to --

UNIDENTIFIED SPEAKER: Chair?

COUNCILMEMBER KING: Well --

CHAIR MOLINA: --incorporate...

COUNCILMEMBER KING: --they're might be...I'm just saying they're might be more that needs to happen to this bill if there's...if that's the desire of this Council is that if we are going to rework this bill, maybe we should try to rework both of the bills, or we work this bill for the State level for HSAC, and then for the County level for the Maui County package.

CHAIR MOLINA: So, are you saying then we should just defer on both then to allow Mr. Sinenci...is that your suggestion? I'll leave it up to --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --Mr. Sinenci --

COUNCILMEMBER KING: I'll...

CHAIR MOLINA: --what his thoughts.

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER SINENCI: Yeah, I believe just clarification that flowers, is that what Member Kama was...

COUNCILMEMBER SUGIMURA: Flora and fauna.

CHAIR MOLINA: Flora...

COUNCILMEMBER KAMA: Floriculture.

COUNCILMEMBER SUGIMURA: Flora and fauna.

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COUNCILMEMBER SINENCI: Yeah, that falls under agriculture as well.

COUNCILMEMBER SUGIMURA: So, Chair?

COUNCILMEMBER SINENCI: So, it should be okay for the HSAC.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Yeah, it's the HSAC.

CHAIR MOLINA: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: I think this discussion is valid, and possibly maybe what Member Sinenci is saying and what the comments are, and Ms. Kama's amendment can...before first reading, can she just add it? And then at first reading, we can take it up for the HSAC to be sure that this important bill does meet the qualifications. Probably, you don't want to change the other parts of it. But I think what Member Hokama said about adding a purpose is important, and then Mr. Sinenci verbalized it along with Ms. Kama's amendment. That sounds very valid.

CHAIR MOLINA: All right --

COUNCILMEMBER SUGIMURA: So, maybe --

CHAIR MOLINA: --that is a --

COUNCILMEMBER SUGIMURA: --at first reading --

CHAIR MOLINA: --consideration.

COUNCILMEMBER SUGIMURA: --so we can take it out for HSAC. 'Cause otherwise, it's not going to meet the deadline.

CHAIR MOLINA: All right. Okay. Members, any other discussion on the proposal for this, I guess for the HSAC package, which relates to A Bill for an Act Relating to Agriculture? And again, we've heard --

COUNCILMEMBER SUGIMURA: And add the purpose.

CHAIR MOLINA: --I guess seeing no objections from Ms. Kama, your suggestion Member Sugimura for...to consider a floor amendment, and assuming this goes to first reading.

COUNCILMEMBER SUGIMURA: And add...if I could, Chair.

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CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: So, add in what Member Sinenci verbalized, and then Mr. Hokama is saying add it to the bill as a purpose. So, that we heard it so we're voting on what he said, the amendment. And by the time we have first reading, Staff will have the document along with what Mr. Sinenci said. Otherwise, it's not going to meet the September 5<sup>th</sup> deadline.

CHAIR MOLINA: September 11<sup>th</sup>.

COUNCILMEMBER SUGIMURA: Oh, September 11<sup>th</sup> deadline. So, it has to be at the Council meeting --

CHAIR MOLINA: All right.

COUNCILMEMBER SUGIMURA: --if so posted.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: Yeah, I think the...and just to just give this a little more context, the...because we're talking about a resolution for these bills, well, there's only going to be one reading. So, there won't be a first and second reading required. I...the next HSAC meeting is the 26<sup>th</sup>. So, I'll be on Oahu and try to get clarification on the deadlines for HSAC, and then whether they can be pushed out a little bit further. And a lot of it will depend upon how far the other counties have gotten in their legislative package as well. So, I do appreciate Mr. Sinenci being the only Councilmember who got legislation in early, and, you know, there's a lot going on on the Council. So...and every council has this. But there are other recurring legislation that I hope is going to come forward as well. So, we may be able to get those deadlines pushed out. But whatever we do in this Committee, I think it's going to be up to basically Corp. Counsel to determine if we're making substantive changes between now and the Council meeting.

CHAIR MOLINA: Okay. We'll leave that to them and make that determination. Okay. Members, seeing no other...Member Hokama?

COUNCILMEMBER HOKAMA: Chairman, just one last comment on the...your motion. I'll support it, and I understand what you want...would like to do this morning. But again, as Ms. King had mentioned, I view the current form that our...my colleague presented, it was...is a good form, but at the Capitol it's considered a short-form version. It's very broad, relating to agriculture. I can tell you I can see this bill

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becoming something totally you don't want because they're going to cut it and put a new draft because the title is so general, almost anything can fit if you can say it's agriculture, yeah. So, I just give that warning because the Leg looks for short forms to deal with conference matters. And you'd be surprised what can come out of a conference draft. So, I just maybe would caution us that part of the initial language under Sections 1 and 2, where you state your purpose, and therefore you justify your Section 2, which is your findings, that would be a good component because for them to scrap all of that, that sets your whole tone of your legislation. And so, I would recommend that we consider that as we make revisions, Chairman. Thank you.

CHAIR MOLINA: And thank you, Mr. Hokama. Your vast experience with the State Legislature is certainly appreciated because we...yeah, like you said, things can morph once it gets up to the State Legislature into something that we may or may not want. But anyway, but thank you, Mr. Sinenci. So, the Chair is going to make a recommendation, which is to adopt a proposed resolution for A Bill for an Act Relating to Agriculture. Chair looks for a motion. This is to go to HSAC.

COUNCILMEMBER HOKAMA: I make the motion.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Motion made by Member Hokama, seconded by Member Sugimura. Any discussion?

COUNCILMEMBER KING: Chair, yeah.

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: I would just like to make a motion to amend the title to Relating to Funding for Agriculture just to try to keep it in that realm --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --'cause I do...

CHAIR MOLINA: This proposed amendment again to change the title to...

COUNCILMEMBER KING: Yeah, I think...well, because I think Mr. Hokama brought up a very good point about these kinds of bills, if...I mean that's about as specific as you can get without actually saying what the funding is for. And all we can do is really safeguard against the, you know, the corruption of our bills being taken and gutted

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and used for something else. But at least that makes it a little more specific to the purpose of it.

CHAIR MOLINA: Okay. So, the proposed amendment is if I'm correct is A Bill for an Act Relating to Funding of Agriculture. So --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --adding the words "Funding of Agriculture."

COUNCILMEMBER KING: Right, that's...

CHAIR MOLINA: Is that what...

COUNCILMEMBER KING: Yes.

CHAIR MOLINA: Revise the title?

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Okay. Is there a second to the proposed amendment?

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Seconded by Member Kama. Any other discussion on --

COUNCILMEMBER KAMA: So --

CHAIR MOLINA: --the amendment?

COUNCILMEMBER KAMA: --Chair?

CHAIR MOLINA: Yes, Member Kama?

COUNCILMEMBER KAMA: So, would it just...I'm asking a question. So, it says relating...so it would read Relating to Funding of Agriculture?

CHAIR MOLINA: Yes.

COUNCILMEMBER KAMA: So, that it doesn't get lost some place up there, could --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: --we just add for Maui?

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COUNCILMEMBER KING: Well, we're going to...

COUNCILMEMBER KAMA: Is it possible?

CHAIR MOLINA: Yeah, this is going...

COUNCILMEMBER KAMA: Or because we're going through...

COUNCILMEMBER KING: This is the HSAC bill --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --so --

COUNCILMEMBER KAMA: Yeah.

COUNCILMEMBER KING: --they're going to be working on it. Member Sinenci's Office will be working on a separate bill just for Maui --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --for it to put into the --

COUNCILMEMBER KAMA: Okay.

COUNCILMEMBER KING: --Maui package.

CHAIR MOLINA: Yeah, this was --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: --just going to the State first --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: --and then at a later point, when we submit the --

COUNCILMEMBER KAMA: Just...

CHAIR MOLINA: --Maui...bill for the Maui package, the appropriate adjustments can be made. And I think that's a good amendment. I can see where if you just leave it as is, it could just morph into something else like Member Hokama stated. So, all right, any



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**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 AS AMENDED.**

CHAIR MOLINA: This matter will go into the HSAC package. Members, the Chair is aware of the time. Would you like a brief recess? And in...as part of this recess, there's been a request to do a short video for our baseball team.

COUNCILMEMBER KING: Oh we're going to do that after the...

CHAIR MOLINA: Okay. You prefer to do it after?

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Okay. All right. Members, let's go ahead and take a short morning recess. Let's come back in ten minutes at 10:43.

COUNCILMEMBER KAMA: Shane?

CHAIR MOLINA: You want 10:40? Oh boy, you guys really want to work. All right, meeting in recess till 10:40. You've got seven minutes. Meeting in recess. . . .(gavel). . .

**RECESS: 10:33 a.m.**

**RECONVENE: 10:42 a.m.**

CHAIR MOLINA: . . .(gavel). . . ..Tuesday, August 20, 2019, is now back in session. It is 10:42 a.m. Members, we are currently on GET items 4(1) and also GET item 3-1...I should say 3(1), the HSAC, State Association of Counties Legislative Package and GET-4(1), which relates to the Maui County Package. We've just taken a vote on the first proposal, which relates to agriculture. And we're on the second proposal, which comes from Member Sinenci, which has to do with Approving for Inclusion in the 2020

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HSAC Legislative Package a State Bill to Authorize Supplemental Categorical State...Supplemental Categorical Funding for Remote Schools. Mr. Sinenci, I know you had...you do want state something out on the floor before we proceed. You have the --

COUNCILMEMBER SINENCI: Right, so --

CHAIR MOLINA: --floor, Mr. Sinenci.

COUNCILMEMBER SINENCI: --because of the HSAC deadline of September 11<sup>th</sup>, we wanted to go ahead and address GET-3(1), and then maybe possibly defer the Maui County for a later date, GET-4(1).

CHAIR MOLINA: All right. Thank you for that Mr. Sinenci. So, Members, the Chair's...how I would like to proceed now if there are no objections, as it relates to GET item 4(1), the Maui County Legislative Package, the Chair would ask for your consideration to defer all action on that particular item if there are no objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

CHAIR MOLINA: Okay. All right, Members, we will defer taking action on GET item 4(1). And we will go back now to GET item 3(1), which I just mentioned the title of that bill. So, Mr. Sinenci, you have the floor.

COUNCILMEMBER SINENCI: Thank you, Chair. For comments on the Authorizing Supplemental Category [sic] Funding for Remote Schools, the purpose of this bill is to allow supplemental categorical funding for remote high schools and remote K-12 schools. Remote schools, such as Hana School and other rural schools, suffer under the Reinventing Education Act of 2004 and the establishment of the weighted student formula, or the WSF. The weighted student formula does not work for schools with small student populations because they receive funding based upon the number of students and not the number of the teachers and the support staff that is required. The resulting small class sizes require the same teachers and other support staff as larger classes but the funding is significantly less. In Hana, for instance, budgetary shortfalls have resulted in the loss of several well-qualified teachers and threatens the school's ability to offer minimum course requirements that students need to graduate. The bill states that remote schools should be funded to retain minimal personnel and resources necessary to graduate students. The bill defines remote school as located at least one hour drive away from the next nearest public high school, or located on Lanai, Molokai, or Niihau. If a high school is a K-12 school, the entire school qualifies for supplemental funding. The bill only establishes the category and says the Legislature may provide supplemental funds to support additional instruction and

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support staff. It gives the Legislature a new tool to address rural school inadequacies. It will be up to the Legislature to follow up with specific funding after the category is created. The supplemental funding would be in addition to the WSF allocation. And finally, in Granicus, there's testimony from former Hana Principal, Rick Paul, on specific ways in which the weighted student formula leads to dangerously inadequate funding.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Members, comments on the proposal? Mr. Hokama, followed by Chair King.

COUNCILMEMBER HOKAMA: Just a question first, Chairman, for my colleague. Are you also looking at including charter schools funded by the State, Mr. Sinenci, as within your proposal?

COUNCILMEMBER SINENCI: No, I believe...and this was a bill that didn't...or we're just adding to an existing bill. And so, charter schools does not fall under this bill.

COUNCILMEMBER HOKAMA: Oh, okay. No, no, no, no, I just, yeah, needed clarification. So, I appreciate that response, Mr. Sinenci. So, Chair, I would just say that I think on Page 2, under Remote Schools, number 2, I think we should consider adding Hawaii Island because they do have State public schools that's I think it's Honokaa High and Elementary or Kohala High and Elementary.

COUNCILMEMBER SINENCI: Right, there are --

COUNCILMEMBER HOKAMA: So...

COUNCILMEMBER SINENCI: --several schools in East Hawaii.

COUNCILMEMBER HOKAMA: Yeah. So, we may want to add Big Island if this is part of the HSAC package, then the Big Island Council can see why we've...proposing this 'cause I think they would appreciate that support for their schools also.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. We can certainly take up that consideration once --

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: --the motion is put on the floor as a possible amendment. Okay. Members, any other...oh sorry, Chairman --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --King?

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COUNCILMEMBER KING: Thank you, Chair. So, yeah, I just wondered it...so, you said this is an existing bill? Do you know who introduced it?

COUNCILMEMBER SINENCI: I believe it was...no, I don't.

COUNCILMEMBER KING: There's no name on it, so.

COUNCILMEMBER SINENCI: No.

COUNCILMEMBER KING: So, it was an existing bill that you...

COUNCILMEMBER SINENCI: That didn't go.

COUNCILMEMBER KING: Did...oh, that didn't go but you found it from the previous session?

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER KING: Okay. Yeah, because one of the things that concerned me was, and I think Mr. Hokama touched on it, was if it's intended for HSAC to broaden the scope of it because it's pretty specific about Hana and on Molokai and Lanai. I don't see anything specifically that excludes charter schools because they are part of the public school system, and they're funded as a public school. And they're...I mean they're not funded as well but they are funded as part of the public school system. And the other question I had was if you put a time requirement on the definition of remote schools, that's going to be a lot more subjective than a distance because there sometimes it could take an hour to get from Kihei to Maui High School, depending on traffic. And then we have that the time...drive time really affects the charter schools as well because they're not necessarily in the districts. People are going to charter schools outside of their own district. So, I think those things, we might want to clean those up for...if we're looking at a Statewide issue.

COUNCILMEMBER SINENCI: Okay. And answer to Mr. Hokama is on Page 2, I believe it excludes charter schools.

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

COUNCILMEMBER KING: But it says --

COUNCILMEMBER SINENCI: Yeah.

COUNCILMEMBER KING: --except charter schools that is a high school. I'm not...is that just high schools or any public school except charter schools?

CHAIR MOLINA: Mr. Sinenci?

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COUNCILMEMBER SINENCI: Yeah, I'm looking at...

COUNCILMEMBER KING: Is this just for high schools?

COUNCILMEMBER SINENCI: No, this is for K-12 also.

COUNCILMEMBER KING: Okay. 'Cause it reads "remote school means any public school, as defined in Section 302A-101, except charter schools governed by Chapter 302D, that is a high school."

CHAIR MOLINA: And maybe this is something we can, if we have a motion on the floor, we could incorporate as a possible amendment --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --as well --

COUNCILMEMBER KING: So...

CHAIR MOLINA: --Chair King.

COUNCILMEMBER KING: Okay. So, we're...so, the intent is to exclude all charter schools of all levels?

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER KING: Okay. But...okay, so, but...you...your intent was to include all non-charter schools of all levels?

COUNCILMEMBER SINENCI: Correct.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER SINENCI: And we can go...Chair? We can go and, you know, do some clarifications on Chapter 302D --

CHAIR MOLINA: Okay. Well, let's --

COUNCILMEMBER SINENCI: --and have that --

CHAIR MOLINA: --work on...

COUNCILMEMBER SINENCI: --explanation for you.

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CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: Let's work on that. Let's...I want to get through the Q&A phase on it, and once we --

COUNCILMEMBER SINENCI: Okay.

CHAIR MOLINA: --have a motion on the floor, I'll give --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --all of you appropriate time to consider amendments to the motion. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, for the similar discussion that we had for the previous item on agriculture, Relating to Education, you probably should closely or put it closer to the clarification of what the Chair suggested as far as remote schools just so that it does...is not taken in a too broad of sense. So, I'd like to make that amendment at the appropriate time, Chair, after you make your motion.

CHAIR MOLINA: Okay. So noted. Members, any other discussion as it relates to Mr. Sinenci's proposal? Okay. Seeing none, Chair will ask for a motion to recommend adoption of the proposed resolution related to remote schools and appropriation of funds to go towards the HSAC package. Is there a motion?

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Okay. Moved by Member Sugimura, seconded by Member Hokama. Floor is now open for any proposed amendments.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR MOLINA: Okay. So, I'll recognize Member Sugimura first.

COUNCILMEMBER SUGIMURA: I guess I would like to say in the title "Relating to" and add in Remote Schools.

CHAIR MOLINA: Okay. Could you...

COUNCILMEMBER SUGIMURA: Relating to Remote Schools for Education.

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CHAIR MOLINA: Okay. Could you read it out for us again where...so just we have a good...

COUNCILMEMBER SUGIMURA: So, the title Relating to Remote Schools for Education.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: We should put probably Remote Schools and Appropriate Funds, right, 'cause that's really what you're talking about, correct, Chair?

CHAIR MOLINA: Okay. Members, you have an understanding? Mr. Sinenci, do you understand what the proposed amendment is from --

COUNCILMEMBER SINENCI: Yes --

CHAIR MOLINA: --Ms. Sugimura?

COUNCILMEMBER SINENCI: --Relating to Remote Schools and Education.

COUNCILMEMBER SUGIMURA: Remote Schools and Appropriate Funding for Education.

CHAIR MOLINA: Okay. A Bill for an Act Relating to Remote Schools and Funding for Education. Everybody got that? And then, so inserting these words, Remote Schools and Funding for Education. All right. Is there a second to the motion to amend?

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Seconded by Member Kama. Members, discussion on the amendments? Okay. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Member Sugimura regarding that amendment. Is it that you want the fundings or okay--let me think--to go to remote schools?

COUNCILMEMBER SUGIMURA: So --

VICE-CHAIR RAWLINS-FERNANDEZ: It's being --

COUNCILMEMBER SUGIMURA: --this is --

VICE-CHAIR RAWLINS-FERNANDEZ: --directed?

COUNCILMEMBER SUGIMURA: --Mr. Sinenci's bill.

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

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COUNCILMEMBER SUGIMURA: So, you better ask him. But I'm trying to be sure --

VICE-CHAIR RAWLINS-FERNANDEZ: Help him.

COUNCILMEMBER SUGIMURA: --that --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SUGIMURA: --yeah, what --

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

COUNCILMEMBER SUGIMURA: --he wants, he --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SUGIMURA: --gets.

CHAIR MOLINA: Mr. Sinenci, could --

VICE-CHAIR RAWLINS-FERNANDEZ: Member --

CHAIR MOLINA: --you respond --

VICE-CHAIR RAWLINS-FERNANDEZ: --Sinenci?

CHAIR MOLINA: --to Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I --

COUNCILMEMBER SINENCI: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --thought I understood that you wanted funding to go to remote schools, but is that incorrect?

COUNCILMEMBER SINENCI: No, that's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, perhaps, I know we don't like to wordsmith on the floor, but instead of Remote --

COUNCILMEMBER SUGIMURA: Education --

VICE-CHAIR RAWLINS-FERNANDEZ: --Relating --

COUNCILMEMBER SUGIMURA: --for...

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VICE-CHAIR RAWLINS-FERNANDEZ: --to Remote Schools and Funding to Education, maybe Funding to Remote Schools, or, you know, something that directs the funding to remote schools and not broadly education.

CHAIR MOLINA: Okay. So, okay. As it reads right now, it's A Bill for an Act Relating to Remote Schools and Funding for Education. So, your proposal would be --

COUNCILMEMBER KAMA: Funding for Remote --

COUNCILMEMBER SUGIMURA: Relating to...

COUNCILMEMBER KAMA: --Schools.

VICE-CHAIR RAWLINS-FERNANDEZ: Funding for Remote Schools.

CHAIR MOLINA: --Funding for Remote Schools.

COUNCILMEMBER KAMA: In Education, right?

COUNCILMEMBER SUGIMURA: So, we would all know it's education, is that correct?

CHAIR MOLINA: In Remote Schools and Education. So you're proposing to amend the amendment?

COUNCILMEMBER SUGIMURA: The title.

VICE-CHAIR RAWLINS-FERNANDEZ: It's a friendly amendment.

CHAIR MOLINA: Okay. Ms. Sugimura, comments?

COUNCILMEMBER SUGIMURA: That's fine. That's fine.

VICE-CHAIR RAWLINS-FERNANDEZ: I think we're all just trying to help --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: --Member Sinenci, help everybody. So --

CHAIR MOLINA: Mr. Sinenci, any comments?

VICE-CHAIR RAWLINS-FERNANDEZ: --is that --

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COUNCILMEMBER SINENCI: Yes --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --something that's helpful?

COUNCILMEMBER SINENCI: --I agree to that.

CHAIR MOLINA: We're good.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Okay. The new proposed amendment is A Bill for an Act Relating to Funding for Remote Schools and Education. Okay.

COUNCILMEMBER KING: I think it was just Remote --

CHAIR MOLINA: All right.

COUNCILMEMBER KING: --just Remote School.

CHAIR MOLINA: Okay. Any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: No education.

CHAIR MOLINA: I'm sorry?

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, just Remote Schools.

CHAIR MOLINA: Oh, okay. Just Remote Schools. So, we delete the word Education?

VICE-CHAIR RAWLINS-FERNANDEZ: And Education.

CHAIR MOLINA: Oh, okay. Remote Schools and Education, yeah. I thought --

COUNCILMEMBER KING: Delete --

CHAIR MOLINA: --I've said that.

COUNCILMEMBER KING: --and Education.

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Funding for Remote Schools, period.

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CHAIR MOLINA: Okay. Funding for Remote Schools, period. All right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: That's the amendment. Any discussion? Ms. Kama?

COUNCILMEMBER KAMA: So, if we leave it with Funding for Remote Schools, is that...is...there's an assumption that it's only going to be used for education?

CHAIR MOLINA: Ms. Rawlins-Fernandez, can you respond to Ms. Kama's question?

VICE-CHAIR RAWLINS-FERNANDEZ: I...what...okay. So, my assumption is that what goes on at schools involves education. Are there examples that, Member Kama, you can think of that wouldn't apply for an educational experience for students?

COUNCILMEMBER SUGIMURA: What if we put Department --

VICE-CHAIR RAWLINS-FERNANDEZ: That is very --

COUNCILMEMBER SUGIMURA: --of Education?

VICE-CHAIR RAWLINS-FERNANDEZ: --educational.

CHAIR MOLINA: Yeah, yeah. Okay. Member Kama or Ms. Sugimura, would you like to respond to assist Ms. Kama in her understanding of this proposed amendment?

COUNCILMEMBER SUGIMURA: So, I see where she's going with the question, right? So, I think if we just use the word education, I don't know, add Department of...in the Department of Education.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER KAMA: Well, in the Department of Education, there's a whole bunch of stuff that can go on, right? You can teach kids, you can pay for teachers to actually go and take classes somewhere else so they can come back and teach the kids, you know. They're...it's not all the time directly related educational services to the students. Sometimes those educational services can actually go towards the teachers themselves so that they can go and to a workshop or something like that. Is that what the intent of this bill is or is it to go directly to the student?

CHAIR MOLINA: Okay. Well, let me recognize Chair King, followed by Mr. Sinenci's --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --response.

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COUNCILMEMBER KING: Well, if you look in the definition of remote schools in the bill, it says under B, it says, "subject to Legislative appropriations, a remote school may receive supplemental categorical funding to support additional instructional and support staff." So, that's specified in the bill. One of the things we don't want to do is get so specific...I mean there's a fine line between getting too specific in a heading that the Legislature just says we're not going to even hear this bill versus having enough...I mean they're going to take...we can sit here and wordsmith this to death, and they're going to take it and just cut what they don't like. So, it's really, you know, the...to get the intent of the bill I think is important in the...but I think we don't...we want...what we want to stay away from is getting so specific that the bill doesn't even get heard. And what...if the content of the bill follows the heading and explains it, that's where you want that --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --deeper explanation to be. So, it's --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --got a definition of remote schools. I think we're going to work on that to clarify but it also has a definition of where that funding would go in the bill.

CHAIR MOLINA: Okay. Well, how about this, I mean I'm...Staff just kind of handed me this for a suggestion, maybe how about wording it A Bill for an Act Relating to Education in Remote Schools as one consideration. I mean I agree, we don't want to get too wordy but; however, we, you know, whatever way we want to send this out to HSAC, we do want to make sure the intent is understood irregardless of what happens at the State level. But, Mr. Sinenci, any thoughts?

COUNCILMEMBER SINENCI: I'll leave it up to the board, I mean the Members if they want to...I like that one as well. Can you repeat that one again?

CHAIR MOLINA: It would read A Bill for an Act Relating to Education in Remote Schools. It sounds very specific. I mean up to you, guys.

COUNCILMEMBER SINENCI: Relation.

CHAIR MOLINA: Thank you for being so flexible and amenable, Mr. Sinenci, I appreciate that. So, I guess this is a newer amendment consideration.

COUNCILMEMBER KAMA: It's okay.

CHAIR MOLINA: Okay.

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VICE-CHAIR RAWLINS-FERNANDEZ: I would support that.

CHAIR MOLINA: Okay. All right.

VICE-CHAIR RAWLINS-FERNANDEZ: I --

CHAIR MOLINA: We'll put it out --

VICE-CHAIR RAWLINS-FERNANDEZ: --don't --

CHAIR MOLINA: --there on the --

VICE-CHAIR RAWLINS-FERNANDEZ: --know if --

CHAIR MOLINA: --floor.

VICE-CHAIR RAWLINS-FERNANDEZ: --it like exactly addresses Member Kama's 'cause education is still broad. But like Chair King, you know, we don't want it to be so narrowly tailored --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: --or specific.

COUNCILMEMBER KAMA: Well...

CHAIR MOLINA: Okay. I'd like to get some clarification from Staff before we go further. Ms. Takayama Apo [sic]?

MS. APO TAKAYAMA: Thank you, Chair. So, my question was just relating to funding for education in remote schools or relating to education in remote schools?

CHAIR MOLINA: About education and funding in remote schools, I don't know, I'm just kind of throwing it out there.

COUNCILMEMBER SINENCI: I like funding for education.

CHAIR MOLINA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, the key is the narrative in the sections. That is where the meat is and what the Leg will deal with. I wouldn't get so hung up on titles right now. The key is what is the meat of the Legislation. That's the key component. I don't know why we're getting so hot and crazy over the title, you know. The Leg is not like the Council. You know, our attorney's one is so specific and tight, you cannot even wiggle your okole. Okay. The Leg wants flexibility in their titles. Okay. So, I

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would say let's work with the entity we know and how they process stuff. That title is fine. The key is the meat that Mr. Sinenci has prepared. And part of it is state your purpose, and then you do your findings, and that's what he has. He stated the Legislature did pass an Act 51. He does state that the Legislative funds despite the current situations, the retention of personnel staff for the curriculum especially on Lanai, as well as Hana, it's hard to get teachers. So, I understand what he wants to do. And the bill is very clear to me. I don't know what's the problem, Chairman.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: Let's just move this forward.

CHAIR MOLINA: All right. So noted, Mr. Hokama. And thank you for that colorful explanation --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: --and in-depth analysis from your prior experience. All right, Members, so how about we just do this. We just leave it at A Bill Relating to Education in Remote Schools. Is that...because again, the intent is...the specifics are in the bill regardless of the title. I mean I don't know how much difference that will make. But that's my...I'll throw that out to you for consideration. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I understand the intent behind the...Member Sugimura's proposed amendment. And Member Hokama is the one that went scare everybody about gut and replace that's why. So, everyone wants to try their best to protect Member Sinenci's intention with the bill. So, I support that proposal to Relating to Education in Remote Schools. Mahalo.

CHAIR MOLINA: Okay. Thank you, Vice-Chair Rawlins-Fernandez. Any other considerations before the Chair calls for a vote on the proposed amendment to the title of the bill? Okay. Seeing none, all those in favor signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it nine "ayes."

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**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: AMEND RESOLUTION.**

CHAIR MOLINA: We're now back to the proposal as amended. Any discussion? Okay.  
Seeing none, all those in favor --

COUNCILMEMBER KING: No --

CHAIR MOLINA: --signify...

COUNCILMEMBER KING: --Chair?

CHAIR MOLINA: Yes --

COUNCILMEMBER KING: I...

CHAIR MOLINA: --Chair King?

COUNCILMEMBER KING: Yeah, I just...I think we were...we need some clarification in the  
definition, and Mr. Sinenci was working on that.

CHAIR MOLINA: Okay. So, your request --

COUNCILMEMBER KING: So...

CHAIR MOLINA: --is a definition?

COUNCILMEMBER KING: Because...

CHAIR MOLINA: Mr. Sinenci --

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COUNCILMEMBER KING: Well, the way --

CHAIR MOLINA: --can you respond?

COUNCILMEMBER KING: --it reads right now, this only pertains to high schools, and then also I'm not comfortable with that located at least one hour drive from the next nearest public high school.

CHAIR MOLINA: Okay. Would you like to propose an amendment --

COUNCILMEMBER KING: Well, I don't...

CHAIR MOLINA: --to that?

COUNCILMEMBER KING: I would but I don't know what the...I think it should be a mileage issue, not a time issue, but I don't know what that should be.

CHAIR MOLINA: Mr. Sinenci, comments on the consideration from Chairman King?

COUNCILMEMBER SINENCI: So, it looks like, yeah, it's for high schools and K-12, K to 12 schools, and not standalone elementary schools or standalone middle schools. So, it's either...it can be for high schools and schools from K to 12.

CHAIR MOLINA: And I know the consideration from Chairman King was the time whether to use --

COUNCILMEMBER SINENCI: Oh, the time one.

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --hour or --

COUNCILMEMBER SINENCI: We did have --

CHAIR MOLINA: --do we go by --

COUNCILMEMBER SINENCI: --one hour --

CHAIR MOLINA: --mileage?

COUNCILMEMBER SINENCI: --drive away from the next nearest public high school.

COUNCILMEMBER KING: Yeah, did you have a...do you have a...an idea of the mileage that you're looking at like how far?

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CHAIR MOLINA: Twenty miles, 25-mile.

COUNCILMEMBER SINENCI: Right, and for the Hana one, we used King Kekaulike as the nearest school to Hana. And that was a 40-mile, 2-hour drive away to the next closest public school, King Kekaulike High School. So, you wanted to add...

COUNCILMEMBER KING: Well, I was just curious about how we are timing, you know, what the timing of the one-hour drive issue. 'Cause a one-hour drive could be different depending --

CHAIR MOLINA: Yeah...

COUNCILMEMBER KING: --on traffic.

CHAIR MOLINA: If I may interject, could we consider a two-hour and/or 40-mile radius from the --

COUNCILMEMBER KING: Something --

CHAIR MOLINA: --school.

COUNCILMEMBER KING: --like that.

CHAIR MOLINA: We incorporate both time and mileage, maybe see if that works.

COUNCILMEMBER KING: I don't know that 40 miles is appropriate 'cause I don't think there's...I think we have a lot of high schools that are within 40 miles of each of them. But is that...what...I don't know what the intent was. Is that...the intent just that this only applies to Hana School on Maui?

COUNCILMEMBER SINENCI: Well...

CHAIR MOLINA: Chairman King, if you permit, before...Mr. Sinenci, we have Member Lee with a thought. Member Lee?

COUNCILMEMBER LEE: Well, I just...I was feeling left out. So, I was...wanted to say something. Do we really have to get into the weeds over this? Doesn't the word remote mean, you know, kind of far away from, you know, rather than saying 40 miles or 30 miles because what if it's 20 miles, you know. I think the Legislators will understand the word remote and take it as it is presented. But I did also have a concern about I think what Chair King said something about the elementary schools, the standalone elementary or middle schools may be left out. Is that what you said?

COUNCILMEMBER KING: I think that's what --

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CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER KING: --Member...I was just saying that the way it's worded, it only applies to schools that are a high school. It says any public school that is a high school --

COUNCILMEMBER SINENCI: Chair, can I --

COUNCILMEMBER KING: --except charter --

COUNCILMEMBER SINENCI: --take a --

COUNCILMEMBER KING: --schools.

COUNCILMEMBER SINENCI: --quick recess for...

CHAIR MOLINA: Okay. Recess subject to the call of the Chair. . . .(gavel). . .

**RECESS: 11:05 a.m.**

**RECONVENE: 11:09 a.m.**

CHAIR MOLINA: . . .(gavel). . . The GET Committee meeting for August 20, 2019 is now back in session. Members, the Chair is aware of the time. I've just been informed we're going to lose maybe two, possibly three Members. I'd like to complete business. Chair's intent was to go as late as 12:30; however, I'd like to get to business. So, if we can expedite matters here, Chair would appreciate your cooperation. We are on the bill relating to HSAC, GET...well, I can't remember all these numbers, GET-3(1), as it relates to remote schools. Mr. Sinenci, you requested a recess. Anything you'd like to share with the Committee before the Chair acts on the resolution?

COUNCILMEMBER SINENCI: Yes, thank you, Chair. You know, after further consideration and discussion with Staff, you know, we did want to go ahead and include, you know, all schools and not just high schools. The bill has the substance for remote schools, having additional funding for remote schools. And so, we wanted to just clean it up a little bit. And so, we request that we defer this item so that we can kind of touch 'em up and address some of the questions that was raised from the fellow Councilmembers.

CHAIR MOLINA: Okay. Now, as far as we have a September 11<sup>th</sup> deadline. So, I mean we could act on it today, and then you clean it up assuming it gets to one reading on Council just so we make the deadline. Any thoughts on that?

COUNCILMEMBER KING: Chair?

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CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: I think in just discussing it with Staff that there may be some pretty substantive changes. And so, then...so what we don't want to have happen is then it comes to Council, and then it has to go back to Committee again. But it's...I mean we can...what came up in the discussion was that this really started out to be a bill that was for K-12 schools, and it somehow got the name remote schools on it. And so, they were trying to make a definition of remote schools. Most K-12 schools are in remote areas, and that's why it started out under Kalani English...Senator English to be a bill relating for it to funding for K-12 schools. So, if that happens, that's a pretty substantive change, and then it would have to go back to Committee, and then it would...I mean at any point, it can make it...still make it into the Maui County package. But I would just caution that it's going to...that if there's a lot of confusion at this level, it's going to have a hard time passing through HSAC.

CHAIR MOLINA: Okay. So...

COUNCILMEMBER KING: I would support deferral, and then...

CHAIR MOLINA: If that is the intention of this body, then we defer. My only issue is when do we bring it back? So, you know, to meet the September 11<sup>th</sup> deadline.

COUNCILMEMBER KING: And there is a potential to bring a pack...bring some of these bills back to full Council, directly to full Council and consider them on the floor.

CHAIR MOLINA: Okay. Well, that's your call, Chair, you know, as far as what you want to deal with at --

COUNCILMEMBER KING: Yeah, I'm --

CHAIR MOLINA: --the Council level.

COUNCILMEMBER KING: --happy to do that but I would like...I think it's better to have something that's comprehensive that we know what we're passing and that we could defend at HSAC. 'Cause it's ultimately, it's up to the Board of HSAC to approve all of these bills that we're asking for them to put in their package.

CHAIR MOLINA: Okay. Members, that is the suggestion from Mr. Sinenci, as well as Chair King is to defer action on this particular items. And, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So is the Chair's intention then to put it on the September 3<sup>rd</sup> GET agenda, and then...

CHAIR MOLINA: I'm glad you asked that question. Because if I do that, as you know, I'm already looking at a very major issue. So, be prepared if I do that we're going to have

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to come back for a recess on this. So, prepare your calendars for a recess after that September 3<sup>rd</sup> meeting if we include this on that particular agenda.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. And so, then it would end up on the... 'cause... on the September 6<sup>th</sup> full Council agenda?

CHAIR MOLINA: I guess --

VICE-CHAIR RAWLINS-FERNANDEZ: It...

CHAIR MOLINA: --it could be discharged potentially. I mean that's one way we could get it on to the September 6<sup>th</sup> Council agenda.

COUNCILMEMBER KING: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: If --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: --we do get to it but prepare for a --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: --long day 'cause I believe --

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR MOLINA: --we have an EAC [*sic*] meeting after on that day as well. So, we'll see based --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --on the...the other item I have and the amount of testimony. So --

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR MOLINA: --just prepare for a long day. Councilmember Hokama?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

COUNCILMEMBER HOKAMA: Chairman, first question, point of information, we have a motion currently, correct?

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CHAIR MOLINA: Correct.

COUNCILMEMBER HOKAMA: Okay. Thank you. So, I will speak in support of...the favor is to move it out?

CHAIR MOLINA: As Chair's preference to move it out as amended.

COUNCILMEMBER HOKAMA: Okay. I'll speak in support of it, Chair.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: I can live with it as drafted by Mr. Sinenci 'cause I understand the intent. I read the bill. It's clear enough to me where the Senators and the Reps understand what the intent is. So, I don't have a problem with that. If there is motions, I don't see a problem of substitution 'cause then it would...it can be posted for the Council meeting, if there's a substitution proposal before the body. But I think for the...at this point in time, with some of the items some chairs would like to bring up, I would say this that would be my recommendation, Chair. Because again, the other three councils are going to have to vote on the package. So, I would say we should be moving this forward and at least allowing them to have an opportunity to either support us or not.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama, appreciate those comments. And again, this is not to any of you who would like to refine the proposed bill as you see it, irregardless of what happens, it's going to get gutted. But I think the main thing is we have the intent, and whether we or not we get the support from our colleagues from the other council remains to be seen. So, any other discussion as it relates to the motion as amended? Okay. Seeing none, Chair is going to call for the vote, all those in favor --

COUNCILMEMBER KING: Okay. Chair?

CHAIR MOLINA: --signify by saying...Chair --

COUNCILMEMBER KING: Chair --

CHAIR MOLINA: --King?

COUNCILMEMBER KING: --I'd like to, if we're going to go ahead and vote on it, I'd like to propose an amendment then that we change in the section remote schools categorical funding, under the definition in the first paragraph, that we change the word "high school" to K-12 school.

CHAIR MOLINA: Okay. The motion is to change...delete the word "high school" and substitute in its place K through 12.

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COUNCILMEMBER KING: School, right.

CHAIR MOLINA: Okay. Is there a second to the amendment?

COUNCILMEMBER PALTIN: Second.

CHAIR MOLINA: Seconded by Member Paltin. Discussion? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I have a quick --

CHAIR MOLINA: Member --

VICE-CHAIR RAWLINS-FERNANDEZ: --question.

CHAIR MOLINA: --Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Did we vote on the amending the title?

COUNCILMEMBER KING: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Did we...I know we proposed...so we did amend it?  
Okay.

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . Chair. Okay. That's it.

CHAIR MOLINA: Okay. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm ready to vote.

CHAIR MOLINA: Okay. And okay, again, any discussion on the motion from Chair King to delete the word "high school" and substitute K through 12? Okay. Seeing none, all those in favor of the amendment signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair marks it nine "ayes."

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**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: AMEND RESOLUTION.**

CHAIR MOLINA: Now, we're back to the main motion as amended. Any discussion? All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The measure passes.

**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 AS AMENDED.**

CHAIR MOLINA: It will go into the HSAC package. Well, that was simple, Members. Okay. We talked a bunch but it's good, I appreciate you guys scrutinizing everything. It's...you're just doing your jobs. All right, we're on the last consideration of Mr. Sinenci, you have the floor, which is Approving for Inclusion in the 2020 Hawaii

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State Association of Counties Legislative Package a State Bill to Promote Traffic Safety on Two-Lane Roadways. Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Members, for your indulgence. For the State bill to promote traffic safety on two-lane roadways. This bill would require the driver of the lead vehicle in a line of five or more vehicles to pull off the roadway at the nearest designated turnout, shoulder, or lookout, et cetera, in order to allow vehicles following it to proceed. I proposed this bill because two-lane roadways specifically in rural areas that are backed up in one or both directions due to a slowly-moving vehicle causes unsafe driving conditions specifically in areas like rural areas, and it's starting to cause some road rage in my district. But furthermore, this district would deter drivers from having to pass in the opposite lane where there are dangers of colliding with oncoming traffic. This would help to prevent unsafe driving conditions on roads like Hana and Kahakuloa, Maui Island, and elsewhere in the County where two-lane roads are real tight and no shoulders. In addition to windy roadways, visibility around turns is inhibited due to the natural contours of roads, bushes, and the contours of the road. Beyond Maui County, this bill would also benefit drivers for similar reasons on roadways such as the Pali Highway or areas of Kamehameha Highway on Oahu where two-lane roadways are already treacherous or subject to natural danger such as coastal storms and flooding. If the driver in front of the five-or-more vehicle train were required to pull off at the nearest turnout, not only would the following vehicles be allotted an easier and quicker way to avoid these elements but also once back on the roadway, the driver in the slow-moving vehicle would also be able to take their time and not feel rushed to move more quickly, therefore, proceed at their own pace and caution. And, Chair, there are similar bills in the States of California, Washington, Oregon, in rural coastline areas that have adopted similar bills. So, to promote safety in our rural areas, we wanted to support something like this. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. I'll take the first crack with a couple of questions for you. So, again, five or more vehicles, now, who's...one, again, who's going to enforce it? Again, is it assumed in this bill that the State will be providing the signage for any pullover locations? And is there any portion in the bill that you would like to consider as far as who's going to pay to do more, I guess pullout locations for funding? So, basically, you're looking at the State to fund everything, the pullout locations and the signage, and the enforcement will be what, MPD I presume?

COUNCILMEMBER SINENCI: Correct. That will be the assumption. There are already existing turnout areas but they haven't been, you know, their signs hasn't been put up. So, we're asking that turnout signs be placed before these already existing turnout areas, and the road striping, all these types of things be, also be inputted. There is also a need to look at some areas where the State could acquire, or already existing lands that are...that run alongside existing roadways that we could potentially designate as turnouts.

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CHAIR MOLINA: Okay. And last question, have you had any initial discussions with MPD about the enforcement aspect of this?

COUNCILMEMBER SINENCI: Not so much but, you know, currently, we're looking at 20 cars within car trains. And so, if the lead cars are not turning out, this is when the potential for overtaking around turns and on areas that are not long enough to make that...to clear the lead car. So, it's...

CHAIR MOLINA: Potential road rage as well...

COUNCILMEMBER SINENCI: It's creating some dangerous situations especially with the added traffic on small rural roads.

CHAIR MOLINA: Okay. So noted. But who would ever thought road rage and this stuff in a rural place like Hana, yeah, the world has sure changed. Okay. The floor is open for questions with regards to Mr. Sinenci's proposal. Member Lee, you have that look on your face. You want to say something? Go ahead.

COUNCILMEMBER LEE: No, not really. I didn't plan to say anything but I do wonder how this is going to be enforced. You know, I can see the lead car pulling over but what if the next car wants to pull over, what if the...so there's not enough space really. This is assuming that everybody wants to go faster except the lead car. Because if other people don't want to go faster, is there going to be enough room for them to turn off? So, I see this...I can understand this 'cause I've been...I've had to pull over myself 'cause some of the people going to Hana and coming out are pretty frisky people. Just like going to Lahaina too. I mean I swear these guys, they think they're on the Indianapolis Speedway sometimes. Enforcement to me is going to be a huge issue, yeah.

CHAIR MOLINA: Thank you, Member Lee. Members, any other comments? Member Sugimura?

COUNCILMEMBER SUGIMURA: I can appreciate the maker of this and the concerns as we've been hearing, you know, throughout this term. I also have, you know, like Upcountry, we have two-lane roads, and I just wondered, does that mean we have to create this, you know, situation of having pullouts? And I think it...I think that it's not only Hana Highway that may be affected but there's other two-lane roads, and the costs factor of it I'm kind of wondering about this and who would pay for all of this enforcement? I guess it has been said it would be the Police Department. And then, I don't know, kind of tied to what Ms. Lee was saying, you know, the first person pulls over and there's four behind. But maybe everybody else decides to, you know, take over, and I'm not too sure how you count this either. Although I understand the frustration, I think it's more of like a Hana Highway kind of frustration. But I think it...I cannot support it as it is, maybe it needs more research, you know, so that we can help Mr. Sinenci with the Hana Highway discussion. I think that's kind of it. But

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I see two roads in Kula, and so what does that mean for all of the residents in Kula and the roads of Kula too? So, thank you.

CHAIR MOLINA: Okay. So noted, Member Sugimura. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, you know, I like to always support our fellow colleagues. I think this is a smart Maui County package proposal. Looking at our sister counties, Big Island has a lot of two-lane roads, okay, Hilo, Kona, it's two lanes. It ain't a four-lane highway. Kauai, Hanalei to Kekaha, two lanes. Yeah, North Shore Oahu, two lanes. This legislation will impact all those two-lane roads too. So, I'm...had hoped either SHOPO or PD would have give some type of comment regarding the enforcement that Ms. Lee brought up, but as well as the State Department of Transportation and County Highways because how many turnouts may need to be created? I agree with her, Ms. Lee, and how big the turnout area should be, and then do we need land acquisition, construction time, CIP money? This can be a very big-ticket item. And maybe we need to think in place of with sea level rise, Chairman. So, maybe down the road makes great sense. But I think we should be a little bit more comprehensive because I don't know if the other sister counties would be supportive of this legislation at this time. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Members, any other comments as it relates to the proposal from Mr. Sinenci? Chair King?

COUNCILMEMBER KING: I agree with Mr. Hokama. I think we should pull this back and possibly look at it as a discussion to have for Maui County after we, you know, bring in the Police and talk about what enforcement looks like, and bring in Public Works, and talk about whether this is appropriate, how much it will cost each...our County if we do that. But I support the concept. I think it's smart driving. I just don't see a way to enforce it locally.

CHAIR MOLINA: Thank you, Chair King. And, you know, I want to plug Mr. Sinenci for at least bringing this thing to light. And I believe in your Committee today, you'll have a discussion kind of would sort of touch on this as far as traffic coming in to Hana or just our visitors on our roads who are going to remote areas. So, anyway, I'll recognize Member Sugimura before Chair offers a suggestion.

COUNCILMEMBER SUGIMURA: I look forward to more discussion on this. And I, too, would like to thank Mr. Sinenci for bringing it forward. But if you want to send it to Committee for, you know, future discussions, you can send it also for in-depth...

CHAIR MOLINA: Okay. All right. Thank you, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Mr. Sinenci, do you have something to say?

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COUNCILMEMBER SINENCI: Thank you --

CHAIR MOLINA: Proceed.

COUNCILMEMBER SINENCI: --Chair. Thank you, Members, and thank you for your guys' input. You know, we've...the...my office has been in contact with the Department of Transportation. So, we're constantly working with them as far as getting the road to Hana a safer experience. We've asked them to put up delineators where there shouldn't be any parking, parking that normally happens on the approaches of single-lane bridges. So, these are the things that are either prohibiting larger trucks or buses to pass when we have visitors parking and obstructing the causeways and the highways in and off the single-lane bridges. We've also talked about...we only have three areas where you can stop to use the restrooms. So, we don't have any signage. If you go to the mainland, the mainland will inform you when the next bathroom break is coming up whether it's a mile or two miles ahead. We don't. So, we experience people that are just stopping on the side of road and doing their business wherever there's a turnout. So, things...little things like that we've been trying to work with. We're...and we'll probably do it anyway only because we feel the need. And again, there is, lately, there is the need because of the added traffic that is coming and using the road. We don't have tourists at seasonal times anymore. I think the seasonal times are all gone and we just have seasons full-time now. So, it's, you know, we're just trying to mitigate with what we have. And so, but we can work on this some more. So, I appreciate the comments. Mahalo.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. So, at this point, the Chair would like to offer a...I think Member Sugimura, followed by Mr. Hokama.

COUNCILMEMBER SUGIMURA: Oh no, I'm sorry.

CHAIR MOLINA: Oh, okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: And again, Chairman, before your suggestion, I would just ask my colleague if he could also share with us because I know 15, 20 years ago, the Council made a decision, yeah, under the Federal Highways Program that Hana Highway would become a heritage highway. And under heritage, we are required to keep certain standards that currently exist like one-lane bridges. We're not going to put a massive multi-lane bridge, yeah, even it makes sense and helps traffic. That is not part of the heritage road parameters. So, we...I think once we understand our obligations under the Federal guidelines to retain that designation and receive Federal dollars, maybe we can make appropriate adjustments to achieve Mr. Sinenci's goal. Thank you.

CHAIR MOLINA: Thank you, Mr. Hokama. Any other comments before the Chair offers a suggestion? Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you. Yeah, Member..just to respond to Member Hokama, yes, we are working...currently working with the Federal dollars and they're doing five bridges. So, they're coming to the community and having public hearings there. So, he's correct. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. All right, Members, well judging by your reactions on this, Chair would, I guess...well, I guess a couple of considerations, either we defer, which keeps the bill alive, or we could send it to a particular committee, or file it. Okay. It could go to Multimodal, maybe Infrastructure Committee. I mean I'm just throwing it out there. Member Sugimura, could you speak into the mic please?

COUNCILMEMBER SUGIMURA: Or you can send it to my Committee for discussion.

CHAIR MOLINA: You're open --

COUNCILMEMBER SUGIMURA: I think it's really --

CHAIR MOLINA: --to taking this?

COUNCILMEMBER SUGIMURA: --valid. Sure.

CHAIR MOLINA: Okay. So, procedurally, Staff, I guess the motion we could make this motion, because it's part of a proposal for the HSAC package, then the motion could be stated as what?

UNIDENTIFIED SPEAKER: Refer.

CHAIR MOLINA: Refer the bill? Okay. All right. So, yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, just a question for Mr. Sinenci. So, you still want to...we can probably meet the Maui County package time schedule but probably it would be difficult for HSAC.

COUNCILMEMBER SINENCI: Correct. Yeah, we can go ahead --

COUNCILMEMBER SUGIMURA: Is it okay?

COUNCILMEMBER SINENCI: --and do the --

COUNCILMEMBER SUGIMURA: And have further --

COUNCILMEMBER SINENCI: --Maui --

COUNCILMEMBER SUGIMURA: --discussion --

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COUNCILMEMBER SINENCI: --package.

COUNCILMEMBER SUGIMURA: --and kind of look towards the future. Okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: Thanks.

CHAIR MOLINA: Okay. So, if we go, this consideration to send it to the Multimodal Committee, it's basically dead for HSAC then right 'cause it's not going to meet the deadline.

COUNCILMEMBER SUGIMURA: It's not going to meet...discussion.

CHAIR MOLINA: Only discussion, yeah.

COUNCILMEMBER SINENCI: Yeah.

MS. APO TAKAYAMA: Chair?

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: Chair?

CHAIR MOLINA: Yes, I'm sorry, Ms. --

MS. APO TAKAYAMA: Can --

CHAIR MOLINA: --Apo?

MS. APO TAKAYAMA: --we ask for a brief recess just to clarify what we're allowed to do with --

CHAIR MOLINA: Procedure?

MS. APO TAKAYAMA: --this? Yeah.

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: Thank you.

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CHAIR MOLINA: Recess subject to the call of the Chair. . . .(gavel). . .

**RECESS: 11:33 a.m.**

**RECONVENE: 11:34 a.m.**

CHAIR MOLINA: . . .(gavel). . . The GET Committee meeting for Tuesday, August 20, 2019 is now back in session. Members, thank you for that recess. In consultation with Staff, here is a consideration. Because this particular item, majority of all of us would not like to see it move into the HSAC package, the Chair would then ask for a motion to remove the particular item from this package. Once we remove it, then we consider a motion then to send it to the Multimodal Committee. That is what I've been instructed to --

COUNCILMEMBER HOKAMA: So moved.

CHAIR MOLINA: --suggested.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay. The motion is to remove the item, which relates to two-lane roadways from the HSAC package. Okay. It's been made by Member Hokama, seconded by Member Lee. Any discussion? All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it nine "ayes," and the item has been removed from the HSAC package.

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**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: REMOVE THE MATTER RELATING TO TRAFFIC SAFETY FROM 2020 HSAC LEGISLATIVE PACKAGE.**

CHAIR MOLINA: Now...yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Point of information, so clarification for Mr. Sinenci. So, he's looking at it to be part of the Maui package or are you thinking that it needs a lot of...a lot more discussion and possibly for future? What is his intention? 'Cause we have a deadline then with the --

COUNCILMEMBER SINENCI: We can --

COUNCILMEMBER SUGIMURA: --Maui...

COUNCILMEMBER SINENCI: --support moving it to the Multimodal Committee --

CHAIR MOLINA: Yeah --

COUNCILMEMBER SINENCI: --and --

CHAIR MOLINA: --well, this...

COUNCILMEMBER SINENCI: --having further discussion in there.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: And does he want it...do you want it part of the Maui...

CHAIR MOLINA: Yeah, hang on, Member Sugimura. Let the Chair allow the procedure to take place. Okay. This is what the Chair's intention now, as I stated earlier, I'd like to

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ask for a motion to have this item that's been removed from the HSAC package to be moved into the Multimodal Committee, which is yours. Okay. So, that is the Chair's proposal for a motion. Is there a motion on the --

COUNCILMEMBER KING: So --

CHAIR MOLINA: --floor?

COUNCILMEMBER KING: --moved.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Moved by Member King, seconded by Member Lee. Any discussion?

COUNCILMEMBER KING: I can just --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --say I think the --

CHAIR MOLINA: Member King?

COUNCILMEMBER KING: --intent, and, Mr. Sinenci, you can correct me if I'm wrong, is to have that discussion, and if it can get to the point where there's some agreed upon legislation, then that can come out of the Committee. But let's wait...let's see how...I mean we need...we obviously need interaction by the Police, our local Police on --

CHAIR MOLINA: State.

COUNCILMEMBER KING: --enforcement issue, by Public Works on any of the issue of CIP money for pullouts and things like that. So, I would just say let's have, you know, if we can have that discussion and see where it goes from there, and see if we...if it is something that can develop into legislation that can be proposed this year, we can put it into the Maui package. If not, we develop it for next year.

CHAIR MOLINA: Yeah, I think that's a prudent thing to do. That way we can work out all the, you know, issues in Committee. And then at that point, it can be considered at a later point, maybe for next year's HSAC, yeah? So, okay. So, that is the motion on the floor is to send this particular item to the Multimodal Committee. Seeing no discussion, all those in favor signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: All those opposed? Thank you very much. Chair marks it nine “ayes.”

**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: REFER THE MATTER RELATING TO TRAFFIC SAFETY TO  
MULTIMODAL TRANSPORTATION COMMITTEE.**

CHAIR MOLINA: So, this matter for two-lane roadways will go to the Multimodal Committee. Congratulations, Ms. Sugimura. We look forward to a spirited discussion. All right, we are done. Boy, you guys are working hard today, I tell you, and who says the Council doesn't work, right?

**GET-29 FIREWORKS ON MAUI (CC 19-285)**

CHAIR MOLINA: All right, our next item is GET item 29, Fireworks on Maui. Chair would like to recognize the Councilmember who's introduced this item who's put a lot of fire into her work. Councilmember Lee, you have the floor.

COUNCILMEMBER LEE: Thank you. Thank you so much, Mr. Chair. I appreciate your enthusiasm; however, I realize that you're wanting to defer this item because you're running out of time. Is that correct?

CHAIR MOLINA: At the pleasure of the body, I would like to go to 12:30 if we have any surviving Members that want to go that far.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER LEE: Okay.

CHAIR MOLINA: But just go ahead, and we'll see how we...

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COUNCILMEMBER KING: I have to leave at 12:00.

COUNCILMEMBER LEE: Okay. At least one Member, maybe two have to leave at 12:00. So, and I'm really sorry, I see members of the Police Department and the Fire Department in the audience, and have been waiting. But essentially, what I would like to propose is to move this to the Budget Committee because what I really would like us to discuss is to create a change to the penalty section. And right now, the convictions are punishable by a fine of not exceeding \$500, and I'm feeling that we need to make that more specific, in other words, a fine of at least \$100 up to...or not to exceed \$500. So, I think that's more of a Budget item. I think all of us are very concerned about illegal fireworks, and I believe it's more of an enforcement issue. And if we make it harder on those violating the law, then, and make it expensive that hopefully, that will be a strong lesson for everybody not to violate the, yeah, fireworks.

CHAIR MOLINA: Okay. Thank you, Member Lee. And certainly, it's in a timely item you've introduced to this Committee. And if it's the will of this body to refer this to the Budget Committee, and I know Vice-Chairman Rawlins-Fernandez is always enthusiastic to take on more additional responsibilities but so noted. If you'll afford the Chair an opportunity just to briefly hear from the Police and Fire Department on this. I think it's only fair to them. They did make the time to come here. So, I see Captain Haake and members of MPD. Any objections --

COUNCILMEMBER LEE: Yeah --

CHAIR MOLINA: --to...

COUNCILMEMBER LEE: --no objection.

CHAIR MOLINA: And we'll keep it, Members, because we do have one legal item that is time-sensitive that I'd like to get to. So, departments, would you like to come up and just say a few words, maybe respond to a couple of brief questions from the Members if so be it? And thank you for waiting so patiently. We didn't anticipate having a very long drawn-out discussion on our previous items but that's the way it goes. And we have Captain Ferreira from MPD joining Captain Haake. So, who would like to go first? Again, you've heard the proposal from Member Lee to increase the fine amount. Maybe you could also comment how our current law on Maui compares to say Oahu. I mean do we have the strictest legislation in the State? Or does that honor belong to another county?

MR. HAAKE: Thank you, Chair. I'll go first then, Councilmembers. Captain Paul Haake from the Fire Prevention Bureau, Fire Department. So, in regards to our fireworks laws, currently, Oahu has a total ban on consumer fireworks. That's the fireworks that the average person can purchase during the fireworks selling period. They've done a total ban on those types of fireworks, and those would be the fountains and the ground blooms, and sparklers, and things like that. So, that's not allowed there. The

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only thing that's allowed in Oahu is firecrackers by permit. The other counties, we're following HRS 132D, as part of our fireworks law, and that allows for the consumer fireworks, fountains, sparklers, ground blooms, and things like that during allowed use periods, which would be New Years, 4<sup>th</sup> of July, and Chinese New Year. And so, that's where the fireworks are right now. As in regards to Councilmember Lee's proposal, I think the Fire Department would be in support of any measures that you guys take up to make the use of fireworks safer for our community.

CHAIR MOLINA: All right. Thank you, Captain --

MR. HAAKE: Thank you.

CHAIR MOLINA: --Haake. Captain Ferreira? Any comments from the Police Department's perspective?

MR. FERREIRA: Captain Ferreira. Good morning, everyone. I have to side with Captain Haake. Whatever will make the fireworks use safer on Maui, the Department will back it, yeah. Just to say this past July 4<sup>th</sup>, the enforcement, there were a lot calls where there were several cases that were documented and citations issued, and say about 18 citations, all except 2 were for aerial fireworks, which were viewed by the officers. And those that were setting it off were ticketed. So, that's where we stand on the enforcement side.

CHAIR MOLINA: Okay. Thank you, Captain Ferreira. Members, I know time is short, and I do want to support Member Lee's recommendation for this to go into the Budget Committee. If you have a pressing question, I'll allow it. But I'd like to get through with this matter at...and have a decision made within the next seven or eight minutes. So, one question each, Members, for the...either gentleman. Mr. Hokama?

COUNCILMEMBER HOKAMA: This is more for you, Chair. Are...you're going to bring in...because for me, it's a two-part, yeah. One, it deals with the comments I get. The part of the issue is the Police Department itself on illegal use. And second, the role of Coast Guard because it has to come to the island. So, anything on surface is maritime, and that's Coast Guard jurisdiction, not County jurisdiction. That's Feds. So, I just was wondering if you were going to bring in those sectors for their comments. Again, because for me it's a big security issue for this island. If it can come to this island, what else can come to this island regarding explosives?

CHAIR MOLINA: And that's certainly a worthy consideration. I guess one option is, I guess we could keep the item in Committee, and then maybe...or because this is Member Lee's, it gets referred to Budget Committee, and then we could create a separate item and...

COUNCILMEMBER HOKAMA: That would be my suggestion, Chair. Because I don't have a problem, you know. I was hoping Ms. Lee would throw like \$5,000 or something for

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penalty 'cause I don't have a problem. When Police and Fire got to go and respond to emergencies, we're not blowing \$500. We're blowing thousands on equipment, manpower, overtime, first responders if required, you know. This is...should not be treated lightly. I have no problem with the maximum stick on this one, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Member Paltin?

COUNCILMEMBER PALTIN: Well, thank you, Chair. I agree with Member Hokama. I just was wondering, you know, like when you actually are able to cite the person for the illegal aerial fireworks, does it...do you folks try to find out the source? Like, you know, like when you have a drug deal, you want to try find the dealer.

CHAIR MOLINA: Captain Ferreira?

MR. FERREIRA: They are asked where they purchased or picked up the fireworks. But majority of time, they won't tell where.

COUNCILMEMBER PALTIN: Oh, okay.

MR. FERREIRA: So, we just leave it at that. We just cite them, and then...

COUNCILMEMBER PALTIN: So, then maybe like a fine --

MR. FERREIRA: Yeah.

COUNCILMEMBER PALTIN: --reduction if they provide information leading to the arrest of the bigger guy?

MR. FERREIRA: No, the fine is set already.

COUNCILMEMBER PALTIN: Oh, okay.

MR. FERREIRA: So, no, make no reductions.

COUNCILMEMBER PALTIN: Maybe that's the problem.

CHAIR MOLINA: Okay. Members, any other questions for the departments on this? Ms. Lee?

COUNCILMEMBER LEE: Oh, I'm sorry. I'm sorry, I didn't have a question for the departments. I just wanted to let you know since the issue was brought up earlier that the penalty on Kauai is a minimum of \$250 and maximum of a thousand. And on Oahu, a minimum of \$200 and maximum of a thousand. So, ours is just up to \$500. So, theoretically, the...it could be \$10...a \$10 fine, yeah. But I'm not really sure how the Police have been fining all of the people who violate the law. Because I

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understand 40 citations were given during the 4<sup>th</sup> of July, a holiday. So, you know, when you give out citation, do you also require them to make a payment?

CHAIR MOLINA: Captain Ferreira?

MR. FERREIRA: The citation that's issued and I believe they go to the courts and pay it.

COUNCILMEMBER LEE: Oh, the court decides what amount? Okay.

MR. FERREIRA: Yes, I believe --

COUNCILMEMBER LEE: Okay.

MR. FERREIRA: --so.

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Lee. Okay. Members, Chair is going to go with the suggestion from Member Lee. If there are no objections, I'd like to call for a motion. And I'm sure you'll have more questions once we get it into Committee where we have more time, and as it relates to the fine, increasing the fine as proposed by Member Lee. So, I want to just thank Member Rawlins-Fernandez for being so cooperative in working with Member Lee. So, therefore, the motion on the floor, Members, is to refer GET item 29, Fireworks on Maui to the Budget Committee for further discussion.

COUNCILMEMBER KING: So moved.

COUNCILMEMBER SINENCI: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Moved by Chairman King, seconded by Member Sinenci. Any discussion? Seeing none, all those in favor signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it unanimous, nine "ayes."

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**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: REFER COMMUNICATION TO ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE.**

CHAIR MOLINA: Congratulations, Ms. Rawlins-Fernandez, for taking on a very important item. And also, we can also discuss the concerns that Member Hokama had as well I've been told. We can also incorporate that into this...the discussion in the Budget Committee. So, we'll make sure that's addressed. Very good, Members. And thank you, gentlemen, for your presence.

**GET-11(15) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KAMOKU CONTRACTING, LLC V. COUNTY OF MAUI; CIVIL 18-1-0180(2)) (CC 19-12)**

CHAIR MOLINA: We're on our last item for today, Members. We...this is GET item 11(15), relating to the Kamoku Contracting, LLC versus County of Maui. And we have Mr. Kolbe from Corporation Counsel, as well as Director Peters from the Parks Department. There's been an interesting development. As you know, Members, we did initially authorize settlement for this; however, some issue has popped up according to Mr. Kolbe, which will likely require consideration of executive session. So, Mr. Kolbe, in light of the time, please give us just whatever you need to say briefly in a minute or less, and then we'll consider executive session. Mr. Kolbe?

MR. KOLBE: Okay. Thank you. If you recall, this is a procurement case in which there is a breach of contract.

CHAIR MOLINA: Mr. Kolbe, sorry, can you go closer to the mic? Thank you.

MR. KOLBE: Yeah, where the Circuit Court has a breach of contract claim related to a fencing project at Papohaku Park in Wailuku. We've previously discussed the settlement offer from the plaintiffs, and we did reach a resolution; however, I've done

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further inquiries and some legal research, and I need to advise you about what I found and make new recommendations. And I'd like to go into executive session to discuss that.

CHAIR MOLINA: Thank you, Mr. Kolbe. Members, before we consider executive session, because the Committee did take a vote to approve authorizing settlement, I've been informed that we need to reconsider the vote that was taken, I guess to make it cleaner so we can further discuss this into executive session. Mr. Hokama?

COUNCILMEMBER HOKAMA: I don't agree of that procedure parliamentarily, Chairman. Until we want to make a reconsideration after we hear of the information, then we can do that. But we...why would we do that prior to receiving information? No make sense. And we don't have to...okay, that's Staff. Did you get what I said? We the Members, we vote. Okay. Chairman, so --

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: --I would say...I would just ask for consideration of executive session.

CHAIR MOLINA: Okay. So noted. We'll...then we'll consider reconsideration depending on what the outcome of our executive session discussion is if that is the pleasure of the body.

COUNCILMEMBER KING: Moved --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --for executive session.

CHAIR MOLINA: All right, Members. So, well, let me go ahead and make the statements first to make it official. All right. The Chair would like to ask for a motion to convene in executive session related to Section 92-5(a)(4), HRS, as it relates to the Committee item GET-11(15).

COUNCILMEMBER KING: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Chairman King, seconded by Member Lee. Any discussion? Seeing none, all those in favor for executive session signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: Opposed? Okay. Chair marks it unanimous, nine-zero.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE; RECESS open meeting and CONVENE  
executive meeting.**

CHAIR MOLINA: Okay. Members, we're going to take a brief recess to secure the Chambers for executive session. Meeting in recess. . . .(gavel). . .

**RECESS: 11:48 a.m.**

**RECONVENE: 12:12 p.m.**

CHAIR MOLINA: . . .(gavel). . . The GET Committee meeting for Tuesday, August 20, 2019 is now reconvened in open session. We are on GET item 11(15). And, Members, what the Chair would like to ask for your consideration of a vote was taken on this matter previously by the Committee. And based on some of the discussions we had in executive session, procedurally, I'd like to undo the original vote if that is appropriate, Staff? So, basically, this is a...would be a motion to reconsider the previous vote taken on this item. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I believe a motion to substitute is appropriate, a motion to reconsider must be done at the same meeting.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: Okay. So, I would say I am happy to support the intent. I will say --

CHAIR MOLINA: Okay.

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COUNCILMEMBER HOKAMA: --I would recommend a motion to substitute with attachment to a transmittal dated August 13<sup>th</sup> from Corporation Counsel.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Okay. A motion to substitute with the attachment dated August 13<sup>th</sup> from Corporation Counsel is the motion on the floor, seconded by Member Lee. Members, any discussion? Okay. Thank you. For reconsideration purpose, we need a minimum of two-thirds majority or simple majority, Staff, just prior to taking the votes? I just want to make sure. We're not operating with a full squad here.

COUNCILMEMBER KAMA: You have.

CHAIR MOLINA: Mr. Rapacz?

COUNCILMEMBER HOKAMA: Yeah, we got...

COUNCILMEMBER KAMA: You have enough.

MR. RAPACZ: Thank you, Mr. Chair. I'm not sure about what's needed for a motion to substitute. In a standing committee, the motion for reconsideration can happen at any time. It doesn't have to be at the same meeting.

CHAIR MOLINA: Yeah, I'm just asking the numbers. Do we need five, a minimum of five...

MR. RAPACZ: For a motion to substitute, I don't know. I would have to research --

CHAIR MOLINA: Okay.

MR. RAPACZ: --that...

CHAIR MOLINA: We just need simple majority. Okay. Just as an FYI in case any Members had some other...would like to change their vote. But anyway, our Chair will call for the vote for the motion to substitute. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The Chair will mark it seven "ayes," two excusals, Chairman King and Member Sugimura.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers King and Sugimura.**

**MOTION CARRIED.**

**ACTION: SUBSTITUTE REVISED RESOLUTION.**

CHAIR MOLINA: Okay. Members, now, the Chair...based on discussions in executive session with regards to the proposed settlement for the Kamoku case, the Chair will ask for a motion to support the authorizing settlement of this case by Corporation Counsel.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER LEE: Second.

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

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it seven "ayes," two excusals, Chairman King and Councilmember Sugimura.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers King and Sugimura.**

**MOTION CARRIED.**

**ACTION: ADOPTION OF REVISED RESOLUTION.**

CHAIR MOLINA: All right. That I believe concludes business for today, 12:14. Members, I tell you what, you earned a number of stars for your performance today. So, thank you so much for your hard work. With that being said, we do have a 1:30 Committee meeting under Mr. Sinenci's leadership, EAC [sic] Committee. So, don't forget that. So, anyway, and go our Central Maui team, good luck tomorrow at 1:30. So, all right. The GET Committee meeting for Tuesday, August 20, 2019 is now adjourned. . . . (gavel) . . .

**ADJOURN: 12:15 p.m.**

APPROVED BY:



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

get:min:190820:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

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

DATED the 5<sup>th</sup> day of September, 2019, in Kihei, Hawaii



Ann Carmel Q. Pugh