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MAUI COUNTY BOARD OF ETHICS

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held at the Planning Conference Room, Kalana Pakui Building, 250 High Street, Wailuku, Maui, Hawaii, commencing at 12:30 p.m., on December 11, 2019.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

CHAIRPERSON/VICE CHAIRPERSON:	DAVID COURSON
	SARA GADARIAN
	RACHEL PHILLIPS
	WILLIAM CURTIS, JR.
	DAVID WEISS
	GERALDINE LEWIS

STAFF PRESENT:

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

00:00:04 1 (December 11, 2019, 12:30 p.m.)

00:-19:-53 2 \* \* \*

00:-19:-53 3 VICE CHAIR COURSON: Calling to order the Maui  
00:-19:-46 4 County Board of Ethics, December 11, 2019, at 12:30 p.m. and  
00:-19:-40 5 I'm going to ask that you would please state your name for the  
00:-19:-35 6 record and to confirm attendance and quorum. And let's begin  
00:-19:-26 7 with Rachel.

00:-19:-23 8 MEMBER PHILLIPS: Rachel Phillips.

00:-19:-17 9 MEMBER CURTIS: Bill Curtis.

00:-19:-10 10 VICE CHAIR COURSON: David Courson.

00:-19:-01 11 MEMBER GADARIAN: Sara Gadarian.

00:-18:-51 12 MEMBER LEWIS: Gerri Lewis.

00:-18:-51 13 MEMBER WEISS: Dave Weiss.

00:-18:-41 14 MR. MURAI: Mr. Chair, before we proceed.

00:-18:-41 15 VICE CHAIR COURSON: Yes.

00:-18:-31 16 MR. MURAI: This is Gary Murai, deputy corporation  
00:-18:-31 17 counsel. I just want to remind the members that today we  
00:-18:-21 18 don't have our court reporter with us, so what we need to do  
00:-18:-11 19 is -- we're recording the meeting, instead, for transcription  
00:-18:-12 20 later, so what we need to do as board members is to make sure  
00:-18:-02 21 that we speak clearly and only one person speak at a time so  
00:-18:00 22 that the court reporter has an easier time in -- in recording  
00:-17:-52 23 the proceedings. And as you may know, that's what we did last  
00:-17:-52 24 time, our court reporter also wasn't present, and you can tell  
00:-17:-42 25 by reading the minutes, I think she did a pretty good job, but

00:-17:-41 1 it may also be helpful if you can identify yourself as you  
00:-17:-36 2 speak so that she knows who to attribute the statements to.  
00:-17:-32 3 Thank you.

00:-17:-30 4 VICE CHAIR COURSON: Thank you, Counsel.

00:-17:-28 5 I apologize for the late start today. I, within  
00:-17:-21 6 hours ago, just stepped off the plane from the 21-hour time  
00:-17:-16 7 zone difference flying in from Vanuatu, the most primitive  
00:-17:-06 8 country in the world, and so I had quite a bit of catching up  
00:-17:00 9 to do in the last few hours. And I will try to fill the --  
00:-16:-54 10 the duties of chair for the Maui County Board of Ethics. In  
00:-16:-44 11 the absence of our chair, I'll be acting as chair, as the vice  
00:-16:-44 12 chair, which, of course, that is an impossible task to do  
00:-16:-41 13 because we have such an excellent chair and we will miss him  
00:-16:-34 14 and welcome Matt when he returns next month.

00:-16:-31 15 You've had an opportunity to review the November 13,  
00:-16:-21 16 2019, minutes and is there a motion to waive the reading and  
00:-16:-21 17 to approve the November 13, 2019, minutes of the Maui County  
00:-16:-14 18 Board of Ethics.

00:-16:-11 19 MEMBER GADARIAN: Sara Gadarian. So moved.

00:-16:-02 20 VICE CHAIR COURSON: Is there a second?

00:-16:-02 21 MEMBER PHILLIPS: Rachel Phillips. Second.

00:-16:-02 22 VICE CHAIR COURSON: Any discussion?

00:-16:00 23 MEMBER GADARIAN: Yes.

00:-15:-52 24 VICE CHAIR COURSON: Sara.

00:-15:-52 25 MEMBER GADARIAN: At the beginning of -- I'm looking

00:-15:-46 1 at page -- I guess it goes with -- oh, page 5. And what this  
00:-15:-29 2 was is the -- it was moved to take the item of executive  
00:-15:-17 3 session out of order to adjourn to executive session to -- and  
00:-15:-10 4 that was done, but this, as -- as indicated, if you look at  
00:-14:-59 5 line 19, it simply indicates pause in proceedings and then it  
00:-14:-48 6 has a gap as to there -- there was not a formal reopening of  
00:-14:-38 7 the regular session.

00:-14:-36 8 VICE CHAIR COURSON: Yes.

00:-14:-35 9 MEMBER GADARIAN: So I have a suggestion to have a  
00:-14:-24 10 secretary's -- secretary's note saying during the -- during  
00:-14:-21 11 the executive session the respondent exercised her option to  
00:-14:-14 12 hold the informal hearing on Complaint 19-06 in open session,  
00:-14:-04 13 so it would understand that when it's -- goes back to the  
00:-13:-54 14 chair's going through the re- -- reopening the meeting in open  
00:-13:-44 15 session, that it seems to make some sense.

00:-13:-42 16 VICE CHAIR COURSON: Thank you, Sara. Duly noted.

00:-13:-34 17 Is there any further -- any further comments  
00:-13:-34 18 regarding Sara's excellent observation and recommendation?

00:-13:-24 19 MR. MURAI: Mr. Chair, may I.

00:-13:-22 20 VICE CHAIR COURSON: Counsel.

00:-13:-22 21 MR. MURAI: This is Gary Murai. Sara, I think what  
00:-13:-12 22 happened was that what you just mentioned was captured in the  
00:-13:-12 23 executive session minutes, so -- but you're right that it  
00:-13:-02 24 should have -- it was said in open session, so it's -- it's  
00:-13:-02 25 there, but just misplaced.

00:-12:-58 1 MEMBER GADARIAN: Yes, but the only minutes that  
00:-12:-52 2 appear on the website are the regular session. Is that  
00:-12:-44 3 correct?

00:-12:-42 4 MR. MURAI: That's correct.

00:-12:-41 5 MEMBER GADARIAN: So, to me, it's confusing to the  
00:-12:-35 6 public as to that --

00:-12:-33 7 MR. MURAI: Well, they're not even there, so the  
00:-12:-30 8 public would not be confused because there's nothing there.  
00:-12:-27 9 So I'm just making a record of the fact that it's not as  
00:-12:-21 10 though we completely omitted them --

00:-12:-11 11 MEMBER GADARIAN: I understand.

00:-12:-11 12 MR. MURAI: -- they're just in the wrong place.

00:-12:-11 13 VICE CHAIR COURSON: Thank you, Sara. Your  
00:-12:-11 14 observation is, as always, very keen and very accurate and  
00:-12:-01 15 duly noted.

00:-12:-01 16 MEMBER GADARIAN: I have one other minor correction.

00:-12:00 17 VICE CHAIR COURSON: Yes, Sara.

00:-11:-51 18 MEMBER GADARIAN: On page 64 at the beginning of  
00:-11:-51 19 line -- line 1 and 2, Chair Macario said, Okay. Thank you.  
00:-11:-42 20 Yeah, I mean, I'm a little bit sympathetic to Goodfellow  
00:-11:-32 21 Brothers there. Instead it's saying, I'm a little bit similar  
00:-11:-22 22 pathetic, so that's -- that's a word -- a minor word  
00:-11:-22 23 incorrection.

00:-11:-12 24 VICE CHAIR COURSON: Thank you, Sara. It is very  
00:-11:-12 25 minor, but it does have major implications if it were to be

00:-11:-11 1 taken literally.

00:-11:-09 2 MEMBER GADARIAN: Thank you.

00:-11:-08 3 VICE CHAIR COURSON: Are there any other

00:-11:-06 4 corrections/additions to the transcripts of the proceedings of

00:-11:-01 5 the regular meeting of the Maui County Board of Ethics?

00:-10:-56 6 MEMBER CURTIS: I have --

00:-10:-53 7 VICE CHAIR COURSON: Yes.

00:-10:-51 8 MEMBER CURTIS: -- two other ones.

00:-10:-53 9 VICE CHAIR COURSON: Yes.

00:-10:-51 10 MEMBER CURTIS: On page 30, 4th line from the top, I

00:-10:-41 11 didn't feel the following, I think it's supposed to say, I

00:-10:-31 12 didn't file the following.

00:-10:-31 13 VICE CHAIR COURSON: Duly noted. Thank you, Bill.

00:-10:-31 14 MEMBER CURTIS: And then on page -- oh, never mind,

00:-10:-21 15 that's just a capitalization issue. That was my only comment.

00:-10:-11 16 VICE CHAIR COURSON: Thank you. Duly noted.

00:-10:-11 17 Are there any other corrections to the minutes?

00:-10:-01 18 (No response.)

00:-10:-01 19 VICE CHAIR COURSON: If not, we'll call for the

00:-10:-02 20 questions -- the question. All in favor?

00:-10:-02 21 (Response.)

00:-09:-52 22 VICE CHAIR COURSON: Opposed?

00:-09:-52 23 (No response.)

00:-09:-52 24 VICE CHAIR COURSON: Motion carries.

00:-09:-42 25 Is there any public testimony today?

00:-09:-39 1 MS. VICENS: Vice Chair, there are no -- there is no  
00:-09:-34 2 public testimony.

00:-09:-33 3 VICE CHAIR COURSON: Thank you so much.

00:-09:-31 4 Old Business, Financial Disclosure Statements: We  
00:-09:-26 5 have none.

00:-09:-25 6 Communication Items: We have none.

00:-09:-15 7 We will now proceed to the Review and Approval of  
00:-09:-11 8 the Advisory Opinion No. 19A-12 dated October 28, 2019, from  
00:-08:-57 9 Ms. Moana Lutey, corporation counsel, seeking guidance on the  
00:-08:-41 10 acceptance of meals or gifts and the potential violation of  
00:-08:-41 11 Section 10-41.a of the Revised Charter of the County of Maui,  
00:-08:-31 12 Code of Ethics 1983, as amended. Now, you received a draft of  
00:-08:-21 13 the advisory opinion from the hearing last month earlier today  
00:-08:-11 14 and I'm going to ask counsel to review what was distributed to  
00:-08:-11 15 you earlier today.

00:-08:-11 16 MR. MURAI: Mr. Chair, Gary Murai again. One more  
00:-08:-01 17 thing: Could you also call the next one, the 19A-14, which is  
00:-07:-51 18 the Review and Approval of the Draft Advisory Opinion for --  
00:-07:-41 19 filed by Tracy Fujita, No. 19A-14, because what we did at the  
00:-07:-42 20 last hearing was although they were filed separately, because  
00:-07:-32 21 they involved some of the same events and were similar, we  
00:-07:-32 22 consolidated them.

00:-07:-22 23 VICE CHAIR COURSON: Excellent.

00:-07:-22 24 MR. MURAI: So there are two requests consolidated  
00:-07:-22 25 into one opinion.



00:-07:-22 1 VICE CHAIR COURSON: Thank you, Counsel.

00:-07:-21 2 You've heard the request from counsel, is there any  
00:-07:-17 3 opposition to proceeding ahead from any member of the board  
00:-07:-08 4 with that request to consolidate these two items?

00:-07:-02 5 (No response.)

00:-07:-01 6 VICE CHAIR COURSON: If not, then we will proceed  
00:-06:-59 7 with that recommendation.

00:-06:-56 8 MR. MURAI: So, Members, if -- well, first, first of  
00:-06:-52 9 all, if -- has anyone -- everyone had a chance to review? And  
00:-06:-41 10 if so -- I'm seeing heads nodding -- anyone have any questions  
00:-06:-31 11 about the contents or the form of the draft opinion?

00:-06:-21 12 (No response.)

00:-06:-21 13 VICE CHAIR COURSON: All right. You've had the  
00:-06:-21 14 opportunity to review, counsel has refreshed our memory from  
00:-06:-11 15 the last meeting. If not, if there's no other questions at  
00:-06:-14 16 this time, then the chair will entertain -- entertain a motion  
00:-06:-11 17 to approve the advisory opinion as submitted. Is there so --  
00:-06:-04 18 is there a motion?

00:-06:-01 19 MEMBER CURTIS: This is Bill. So moved.

00:-05:-52 20 VICE CHAIR COURSON: Is there a second?

00:-05:-52 21 MEMBER GADARIAN: Second. Sara.

00:-05:-52 22 VICE CHAIR COURSON: Is there any further  
00:-05:-52 23 discussion?

00:-05:-42 24 (No response.)

00:-05:-42 25 VICE CHAIR COURSON: If not, we'll call for the

00:-05:-46 1 question. All in favor?

00:-05:-46 2 (Response.)

00:-05:-41 3 VICE CHAIR COURSON: Opposed?

00:-05:-39 4 (No response.)

00:-05:-39 5 VICE CHAIR COURSON: Motion carries unanimously.

00:-05:-36 6 MR. MURAI: Okay. I'm handing -- I have the

00:-05:-34 7 original, I'm handing it to Bill to circulate.

00:-05:-22 8 VICE CHAIR COURSON: The final item under Old

00:-05:-19 9 Business is a Status update from Corporation Counsel regarding

00:-05:-12 10 making the County of Maui Advisory Opinions "Public" and

00:-05:-01 11 available on the County of Maui Board of Ethics webpage.

00:-05:-01 12 Counsel.

00:-05:-01 13 MR. MURAI: Yeah, Mr. Chair, as Members may recall,

00:-04:-51 14 we've begun an initiative to -- to post or make -- or make

00:-04:-44 15 available through the county website all of the -- the board's

00:-04:-31 16 advisory opinions. I don't have anything new to report since

00:-04:-21 17 the last meeting, so if we can pass on that and continue this

00:-04:-21 18 matter to the next meeting.

00:-04:-11 19 VICE CHAIR COURSON: Duly noted and it will continue

00:-04:-02 20 on to the next meeting.

00:-04:-02 21 Moving on to New Business, Item 5, Financial

00:-04:00 22 Disclosure Statements: None.

00:-03:-52 23 Communication Items: None.

00:-03:-42 24 Item No. c, Request for Advisory Opinion No. 19A-13

00:-03:-32 25 dated October 30th from Ms. Angela Lucero, executive assistant

00:-03:-14 1 to Councilmember Tamara Paltin, requesting direction prior to  
00:-03:-06 2 applying for a position on the Community Plan Advisory  
00:01:06 3 Committee on whether her employment poses a conflict of  
00:01:15 4 interest with being a member of that committee. You have  
00:01:20 5 received a letter from her dated -- or October 30th, 2019, to  
00:01:32 6 that effect. You have had the opportunity to review. Has  
00:01:38 7 everybody had the opportunity to review that letter?

00:01:44 8 COMMISSIONERS: Yes.

00:01:46 9 VICE CHAIR COURSON: You noted that -- then that she  
00:01:50 10 is requesting an advisory opinion, the last paragraph of the  
00:01:55 11 letter, as to whether her position as an employee in  
00:02:01 12 Councilmember Paltin's office poses a conflict in the event  
00:02:08 13 that she is nominated to serve on the -- on the -- on the  
00:02:16 14 CPAC. Is there a motion to -- oh, yes.

00:02:28 15 (Chair conferring with corporation counsel.)

00:02:45 16 VICE CHAIR COURSON: Okay. Thank you so much,  
00:02:48 17 Counsel.

00:02:49 18 Is Angela present today? Angela, would you like to  
00:03:04 19 come up and -- and address the board and answer any questions?

00:03:11 20 MS. LUCERO: Sure.

00:03:21 21 VICE CHAIR COURSON: You may step up to the podium  
00:03:23 22 at this time. And would you like to make an opening  
00:03:34 23 statement?

00:03:34 24 MS. LUCERO: Just briefly. My name is Angela  
00:03:41 25 Lucero. Thank you all for entertaining my request for an

00:03:48 1 opinion. I'm just here to answer any questions regarding  
00:03:52 2 19A-13. I was, in fact, approved by the county council on  
00:04:00 3 Friday to serve on the CPAC and they are aware that I have a  
00:04:09 4 request for an opinion in front of the board of ethics. So if  
00:04:16 5 you have any questions, I can answer them.

00:04:18 6 VICE CHAIR COURSON: Angela, thank you so much for  
00:04:22 7 taking time from your busy schedule not only to appear  
00:04:26 8 personally before us to answer any questions that the board  
00:04:30 9 might -- may have, but also for sending the letter in advance  
00:04:35 10 so we could review that and be prepared to address any  
00:04:39 11 questions that we might have.

00:04:41 12 Do any of the board members have any questions?

00:04:51 13 MEMBER WEISS: I just have a quick question. This  
00:04:54 14 is Dave Weiss. A question about what position you hold in  
00:04:58 15 Councilwoman Paltin's office.

00:05:03 16 MS. LUCERO: My official title is executive  
00:05:05 17 assistant. I wear a couple different hats doing  
00:05:11 18 administrative tasks or reviewing different documents that  
00:05:14 19 come through and analyzing some of those things.

00:05:22 20 MEMBER WEISS: Thank you. That was all.

00:05:25 21 VICE CHAIR COURSON: Thank you.

00:05:26 22 Any further questions? Yes, Bill.

00:05:30 23 MEMBER CURTIS: So you're an employee of the County  
00:05:33 24 of Maui?

00:05:34 25 MS. LUCERO: Yes, I am.

00:05:35 1 MEMBER CURTIS: And would this volunteer position  
00:05:43 2 overlap into your county duties?  
00:05:48 3 MS. LUCERO: No, I do not believe so.  
00:05:55 4 VICE CHAIR COURSON: Further questions?  
00:05:58 5 (No response.)  
00:06:02 6 VICE CHAIR COURSON: If not, then --  
00:06:03 7 MEMBER GADARIAN: I have a --  
00:06:05 8 VICE CHAIR COURSON: Yes, Sara.  
00:06:06 9 MEMBER GADARIAN: I have a comment.  
00:06:08 10 Thank you for your willingness to serve as a member  
00:06:13 11 of the community --  
00:06:15 12 MS. LUCERO: Thank you.  
00:06:16 13 MEMBER GADARIAN: -- in coming up with a community  
00:06:19 14 plan.  
00:06:21 15 MS. LUCERO: Thank you.  
00:06:27 16 VICE CHAIR COURSON: I think that's all.  
00:06:32 17 MR. MURAI: Angela, maybe you could tell -- tell the  
00:06:37 18 folks here -- I know you mentioned it briefly in your letter,  
00:06:45 19 but can you tell us what CPAC does, is and -- what it is, what  
00:06:53 20 they do, and what kind of issues might come before them. I  
00:07:00 21 know you haven't started yet, but if you know.  
00:07:09 22 MS. LUCERO: Yeah, I -- I've been to all but two of  
00:07:12 23 the meetings to date of the community plan advisory committee,  
00:07:19 24 so the planning director transmitted the draft for the West  
00:07:24 25 Maui Community Plan back in July and since the end of July,

00:07:27 1 the CPAC has been reviewing that document making policy  
00:07:32 2 recommendations and action items. They will be voting on the  
00:07:36 3 remaining policies that are left that they haven't covered as  
00:07:41 4 of yet as well as growth boundaries, new growth boundaries for  
00:07:47 5 the community plan. And I know once the CPAC is done with its  
00:07:52 6 review, the plan then goes to the planning commission and  
00:07:56 7 ultimately council for approval.

00:08:04 8 VICE CHAIR COURSON: Any further questions?

00:08:07 9 (No response.)

00:08:08 10 VICE CHAIR COURSON: I'd just like to note that CPAC  
00:08:10 11 is commonly understood here as a community plan advisory  
00:08:14 12 committee, but perhaps you have read the same acronym in  
00:08:20 13 media, in other reports, another CPAC that stands for the  
00:08:28 14 Conservative, I believe, Political Action Committee and I just  
00:08:32 15 want to be sure that that is not to be confused with the  
00:08:37 16 community plan advisory committee. So thank you so much for  
00:08:41 17 clarifying that.

00:08:43 18 MS. LUCERO: Okay.

00:08:44 19 VICE CHAIR COURSON: Thank you so much for coming.

00:08:46 20 Are there any further questions or comments?

00:08:54 21 (No response.)

00:08:55 22 VICE CHAIR COURSON: Ms. Lucero, any further  
00:08:56 23 comments?

00:08:57 24 MS. LUCERO: Not at this time.

00:08:58 25 VICE CHAIR COURSON: Thank you so much for coming

00:08:59 1 today.

00:09:00 2 MS. LUCERO: Thank you.

00:09:01 3 VICE CHAIR COURSON: We really appreciate that.

00:09:17 4 (Chair conferring with corporation counsel.)

00:09:21 5 VICE CHAIR COURSON: All right. Having heard no

00:09:22 6 additional questions or comments, the chair will entertain a

00:09:26 7 motion at this time to accept Ms. Lucero's request for an

00:09:36 8 advisory opinion as to whether her position as an employee in

00:09:42 9 Councilmember Paltin's office poses a conflict in the event

00:09:48 10 that she is nominated to serve on the CPAC.

00:09:53 11 MEMBER WEISS: This is Dave. So moved.

00:10:00 12 VICE CHAIR COURSON: Would you please repeat that.

00:10:03 13 MEMBER WEISS: Would you like me to formally state

00:10:07 14 it or just so moved?

00:10:09 15 VICE CHAIR COURSON: If you would state the motion,

00:10:12 16 that'd be great.

00:10:13 17 MEMBER WEISS: Chair, I recommend that we accept the

00:10:22 18 request for advisory. Do we discuss it, then, in executive

00:10:31 19 session or --

00:10:31 20 VICE CHAIR COURSON: No, you -- you can make the

00:10:35 21 motion at this time and then we'll wait for a second.

00:10:38 22 MEMBER WEISS: And I -- again, that I -- I recommend

00:10:43 23 that we accept this advisory letter. I'm not sure what --

00:10:50 24 VICE CHAIR COURSON: As submitted.

00:10:56 25 MEMBER WEISS: As submitted by Ms. Lucero.

00:11:00 1 MR. MURAI: Members, you know, what Ms. Lucero is  
00:11:05 2 asking us for is guidance; in other words, she's employed as  
00:11:12 3 an executive assistant to a council member and I think we can  
00:11:16 4 take notice that Ms. Lucero's council member employer is --  
00:11:21 5 represents the Lahaina district and that in -- in similar  
00:11:27 6 requests that this board has recently heard also regarding  
00:11:32 7 CPAC members, this board has issued prior opinions along the  
00:11:38 8 lines of, you know, should any matters involving your private  
00:11:45 9 employer come before CPAC, that you should disclose your  
00:11:50 10 relationship with your employer and the matter that's before  
00:11:56 11 CPAC and that decide whether she needs to recuse herself or  
00:12:02 12 whether she may vote on that matter. Typically, in the past,  
00:12:14 13 we've issued opinions along the lines of -- like, for example,  
00:12:20 14 it may not apply to this particular request, but in -- like,  
00:12:25 15 for example, another CPAC member said, Well, I work for I  
00:12:29 16 think it was Pulama Lanai and I think the board's advice to  
00:12:35 17 that requester was: Should a matter affecting your employer  
00:12:40 18 come before C -- you know, be the subject of CPAC, that you  
00:12:46 19 must disclose your -- your relationship to that employer.

00:12:51 20 MEMBER WEISS: Okay. My apologies, I -- for some  
00:12:55 21 reason, I thought we did that in executive, so I'm a  
00:13:11 22 little mixed up on what the motion would be. My comment is  
00:13:29 23 that with a master's in planning, I think it'd really be  
00:13:32 24 helpful --

00:13:32 25 MR. MURAI: Oh, yeah.



00:13:33 1 MEMBER WEISS: -- to the West Maui community, so I  
00:13:38 2 would be much in favor of her serving that. And I don't know  
00:13:43 3 if I would make any motion to --

00:13:47 4 MR. MURAI: I don't -- you're not -- well, if you  
00:13:50 5 want to deliberate in executive session, you can move to go  
00:13:54 6 into executive session.

00:13:57 7 MEMBER WEISS: I don't think there's any  
00:13:59 8 deliberation unless somebody else --

00:14:04 9 MR. MURAI: Okay.

00:14:04 10 MEMBER CURTIS: I only have one -- when we deal with  
00:14:08 11 private employers --

00:14:09 12 MR. MURAI: Yeah.

00:14:09 13 MEMBER CURTIS: -- we don't want the county employee  
00:14:11 14 to use county resources, but in this instance, it's a county  
00:14:18 15 advisory committee, so maybe clarify, is it acceptable to work  
00:14:26 16 on the county business on county --

00:14:32 17 MR. MURAI: Well, there --

00:14:35 18 MEMBER CURTIS: What's -- what's the dividing line  
00:14:38 19 there?

00:14:40 20 VICE CHAIR COURSON: If I may, Counsel.

00:14:44 21 MR. MURAI: Sure.

00:14:45 22 VICE CHAIR COURSON: Bill, thank you for your  
00:14:47 23 comment. We do have a motion on the floor without a second  
00:14:51 24 and so in order to proceed with further discussion pertaining  
00:14:55 25 to the motion that has been submitted, we -- the chair will

00:14:59 1 entertain a second on the motion, unless you choose to  
00:15:03 2 withdraw that motion.

00:15:04 3 MEMBER WEISS: I'm not sure I actually made one, so  
00:15:07 4 I'm a little mixed up, but I think it was very --

00:15:07 5 MR. MURAI: You know, I think --

00:15:12 6 MEMBER WEISS: I'll withdraw it. Sorry about that.

00:15:14 7 MR. MURAI: Okay. I think what got us hung up was  
00:15:20 8 what Board Member Weiss is asking is: Are we going to  
00:15:25 9 deliberate in open session or go into executive session?

00:15:29 10 VICE CHAIR COURSON: Okay. Good question.

00:15:33 11 MR. MURAI: What's the board's wishes?

00:15:35 12 MEMBER WEISS: Well, I think it's fairly clearcut --

00:15:35 13 MR. MURAI: Yeah.

00:15:44 14 MEMBER WEISS: -- and like I think it would be  
00:15:47 15 helpful if there are the normal caveats, you know, make it on  
00:15:53 16 your own time, not county time; represent yourself, not the  
00:15:59 17 county; unless you -- and disclose your position at council  
00:16:06 18 member's office, you know, prior to making any vote or any --  
00:16:10 19 'cause there's going to be discussion on everything involving  
00:16:16 20 land issues in West Maui, so everything is -- I mean, how many  
00:16:22 21 times do you have to disclose, you know, a position? Because  
-04:-07:-22 they're going to be discussing land issues at every meeting,  
-04:-07:-23 so I think just one blanket disclosure, but affiliation  
-04:-06:-24 between county time and personal time and --

-04:-06:-25 VICE CHAIR COURSON: Yes. Yes.

-04:-06:-151 MEMBER WEISS: Again, I don't know if that was a  
-04:-06:-072 motion or not, but that's what I would've discussed in  
-04:-06:-033 executive session.

-04:-06:00 4 VICE CHAIR COURSON: Well, the topic under  
-04:-05:-595 consideration right now is to proceed with discussion in open,  
-04:-05:-546 in the -- in the general meeting, or to -- to bring this  
-04:-05:-497 matter up in executive session. So there's -- is it the  
-04:-05:-428 consensus of the board, the desire of the board to proceed  
-04:-05:-319 with discussion in general session as opposed to adjourning to  
-04:-05:-250 executive session?

-04:-05:-241 MEMBER WEISS: I would say open session is fine.

-04:-05:-172 VICE CHAIR COURSON: Open session.

-04:-05:-143 MEMBER WEISS: Yes.

-04:-05:-134 VICE CHAIR COURSON: There is a consensus, then, to  
-04:-05:-105 continue in a -- in the open session.

-04:-05:-046 MEMBER CURTIS: So I would make a motion we do not  
-04:-04:-587 see a conflict of interest, given -- but with the usual  
-04:-04:-428 cautionary language included in that advisory opinion.

-04:-04:-349 VICE CHAIR COURSON: Is that clear, Counsel?

-04:-04:-20 MR. MURAI: Why don't we have -- ask for a second  
-04:-04:-21 and then we'll clarify?

-04:-04:-22 VICE CHAIR COURSON: All right.

-04:-04:-23 MEMBER GADARIAN: Sara. Second.

-04:-04:-24 VICE CHAIR COURSON: It has been moved and seconded.  
-04:-04:-25 Thank you, Bill, for -- for submitting that motion and Sara

-04:-04:-061 for seconding that. Now, further discussion?

-04:-04:-012 MR. MURAI: Mr. Chair, if I may suggest, we have  
-04:-03:-563 dealt with this particular committee CPAC before and the other  
-04:-03:-484 example I cited was one where someone worked for an entity, a  
-04:-03:-395 private employer, who may have issues that come -- you know,  
-04:-03:-256 may have projects or properties that may come up as part of  
-04:-03:-197 the CPAC discussion. So what we advised that requester was  
-04:-03:-148 that you may serve on the CPAC, but should any matters  
-04:-03:-099 regarding your employer come before CPAC, that you must  
-04:-03:-050 disclose that; and then a separate analysis would be to decide  
-04:-02:-041 whether you may vote on the matter or whether you need to  
-04:-02:-042 recuse yourself; and, finally, that all of your CPAC work  
-04:-02:-043 shall be done -- you know, you shall not do CPAC work on  
-04:-02:-044 county time -- I mean, sorry, on your private employer time,  
-04:-02:-045 which is the county and county council, and I think that's  
-04:-02:-046 pretty much it.

-04:-02:-047 MEMBER WEISS: And I feel that if Ms. Lucero is at  
-04:-02:-048 the meeting and, obviously, representing yourself and if the  
-04:-02:-049 county needed to be there to represent the county interest,  
-04:-02:020 somebody from the county would be there --

-04:-01:-021 MR. MURAI: Oh, yeah.

-04:-01:-022 VICE CHAIR COURSON: Okay.

-04:-01:-023 MEMBER WEISS: -- on that same issue.

-04:-01:-024 VICE CHAIR COURSON: Thank you.

-04:-01:-025 The motion has been placed before the --

-04:-01:-331 MEMBER GADARIAN: Counsel.

-04:-01:-302 VICE CHAIR COURSON: -- committee.

-04:-01:-263 MEMBER GADARIAN: Yes. Counsel, I have a question.

-04:-01:-194 VICE CHAIR COURSON: Yes, Sara.

-04:-01:-175 MEMBER GADARIAN: In another situation there was

-04:-01:-076 executive assistant who represented the -- his employer was

-04:00:-59 7 the council person himself rather than the County of Maui and

-04:00:-48 8 I -- because the person who supervises -- it was, in that

-04:00:-35 9 instance -- this was a couple years ago, in that instance, it

-04:00:-210 was indicated that the -- that the council person actually

-04:00:-211 engages the executive assistant and has employer rights over

-04:00:-112 it, even though their paycheck may come from the County of

-04:00:-113 Maui, but the council person, actually, that the -- this --

-04:00:-014 the executive assistant does not work at large for all the

-03:-59:-125 council people, the executive assistant is -- reports to that

-03:-59:-136 council person as in -- and that that council person can --

-03:-59:-147 MEMBER CURTIS: Hire or fire.

-03:-59:-128 MEMBER GADARIAN: -- hire or fire.

-03:-59:-119 MEMBER WEISS: Sounds like a semantics thing. I

-03:-59:-20 mean, everybody works with --

-03:-59:-21 MEMBER GADARIAN: So that their employer is,

-03:-59:-22 technically, the -- the supervisor employer.

-03:-59:023 MR. MURAI: Well, why don't we ask Ms. Lucero.

-03:-58:-24 Ms. Lucero, my understanding is that -- oh, you can

-03:-58:-25 sit down. My understanding is that you are an employee of --

-03:-58:-421 is it council services or the county council?

-03:-58:-332 MS. LUCERO: I don't work for council services.

-03:-58:-193 MR. MURAI: Yeah. And so you're -- you work for the  
-03:-58:-134 county council and -- but you're hired by Ms. Paltin?

-03:-58:-065 MS. LUCERO: Correct.

-03:-58:-036 MR. MURAI: And so Ms. Paltin can hire and fire you,  
-03:-57:-587 but your employer is really the county council, that's where  
-03:-57:-528 your paychecks come from; right?

-03:-57:-459 MS. LUCERO: Correct.

-03:-57:-420 MR. MURAI: Okay. So that -- okay. Is that --

-03:-57:-381 MEMBER GADARIAN: Thank you.

-03:-57:-342 MR. MURAI: -- clear enough?

-03:-57:-323 MEMBER GADARIAN: Yes. So when you're talking  
-03:-57:-284 about employer --

-03:-57:-265 MR. MURAI: Well, I think when -- when I write this  
-03:-57:-236 up --

-03:-57:-217 MEMBER GADARIAN: Yes.

-03:-57:-218 MR. MURAI: -- you know, it'll refer to -- in other  
-03:-57:-179 words, what Ms. Lucero needs to be aware of -- you know, be  
-03:-57:-20 aware of is that if matters regarding Ms. Paltin come up or --  
-03:-57:-21 you know, before CPAC, she needs to disclose that.

-03:-57:-22 MEMBER GADARIAN: Yes.

-03:-57:-23 MR. MURAI: Because in CPAC, everything affects the  
-03:-56:-24 County of Maui. Is that clear enough?

-03:-56:-25 MEMBER GADARIAN: Yes. Thank you.

-03:-56:-391 VICE CHAIR COURSON: Is there any further discussion  
-03:-56:-362 or questions regarding the motion on the floor?

-03:-56:-313 (No response.)

-03:-56:-304 VICE CHAIR COURSON: Is everybody clear regarding  
-03:-56:-295 the motion on the floor?

-03:-56:-226 (No response.)

-03:-56:-217 VICE CHAIR COURSON: All right. The chair will call  
-03:-56:-198 for the question at this time. All in favor?

-03:-56:-149 (Response.)

-03:-56:-110 VICE CHAIR COURSON: Opposed?

-03:-56:-111 (No response.)

-03:-56:-112 VICE CHAIR COURSON: The record's -- let the record  
-03:-56:-113 state that it will -- that it has passed unanimously.

-03:-55:-114 MEMBER WEISS: That's pretty difficult for -- but it  
-03:-55:-115 sounded pretty easy.

-03:-55:-116 (Laughter.)

-03:-55:-117 VICE CHAIR COURSON: Yes. Okay. Where are we?

-03:-55:-118 MR. MURAI: We are (pause) --

-03:-55:-119 (Chair conferring with corporation counsel.)

-03:-55:-120 VICE CHAIR COURSON: All right. Moving on, then, to  
-03:-55:-121 New Business, Item D, the Advisory Opinion No. 19A-15 dated  
-03:-55:-122 November 18th, 2019, from Mr. Mike Silva, chair of the public  
-03:-55:-123 works commission, who is registered -- also registered -- as a  
-03:-54:-124 professional engineer regarding direction on -- on any  
-03:-54:-125 potential conflict of interest with the public works

-03:-54:-391 commission, professional engineer member's future  
-03:-54:-252 participation in discussions and/or voting on street-naming  
-03:-54:-193 applications when PWC member has a professional affiliation  
-03:-54:-114 with a subdivision project related to the application.

-03:-54:-085 Now, you have received correspondence, as I  
-03:-53:-466 mentioned, dated November 18th on this and has everybody had  
-03:-53:-387 the opportunity to review this two-page letter submitted by --  
-03:-53:-278 by Mr. Silva, public works commission chair? And as you've  
-03:-53:-239 noted, he is seeking clarification on this so that the duties  
-03:-53:-190 of the public work commission chair can be performed more  
-03:-53:-161 expeditiously.

-03:-53:-162 (Chair conferring with corporation counsel.)

-03:-53:-163 VICE CHAIR COURSON: Yes.

-03:-53:-164 Is Mr. Silva here this afternoon? Mr. Silva, would  
-03:-52:-165 you be so kind as to step to the podium.

-03:-52:-166 Thank you so very, very much. And just for the  
-03:-52:-167 record, if you would please state your name and position.

-03:-52:-168 MR. SILVA: Sure. Good afternoon, Acting Chair and  
-03:-52:-169 all here. My name is Mike Silva and I am the chairperson of  
-03:-52:-200 the public works commission.

-03:-52:-201 VICE CHAIR COURSON: Thank you for coming today.  
-03:-52:-202 And before we ask you any questions that the commission might  
-03:-52:-203 have, would you have an opening statement that you would like  
-03:-52:-204 to make?

-03:-52:-205 MR. SILVA: Sure. So the clarification that we're



-03:-52:-111 asking for is, actually, for the whole -- the whole board, not  
-03:-52:-072 just specifically for the chairperson, but any engineer that  
-03:-52:-023 might be working on a project that comes before the public  
-03:-51:-574 work commission and having to recuse themselves if they worked  
-03:-51:-425 on the -- on the project for the street-naming applications.

-03:-51:-376 A little history, I was also on the urban design  
-03:-51:-307 review board, a board similar to this one as well, where the  
-03:-51:-238 makeup of the board has requirements, an engineer, architects  
-03:-51:-169 need to be on -- on the board, and the urban design review  
-03:-51:-160 board made recommendations to the planning commission, so  
-03:-51:011 those are pretty significant approval and the rulings that  
-03:-50:-132 we've gotten in the past from that was the engineer working on  
-03:-50:-163 that project or architect would have to recuse themselves from  
-03:-50:-164 any discussions or any voting on that -- on that project.

-03:-50:-135 But going back to this public works commission  
-03:-50:-196 and -- and talking about street naming, maybe it's a little  
-03:-50:-157 different situation where we've actually been having a little  
-03:-50:-118 bit of issues getting quorum and getting people there that  
-03:-50:-169 aren't working on the project because, again, it's a small  
-03:-50:-20 island community and they're going to be working on projects  
-03:-50:-21 often. So just wanted some advice on possibly letting public  
-03:-49:-22 works commissioners be able to vote on a street name for a  
-03:-49:-23 project they've been involved in.

-03:-49:-24 VICE CHAIR COURSON: Thank you very much, Mr. Silva.

-03:-49:-25 Are there any questions that any of the commission

-03:-49:-341 members would have for Mr. Silva?

-03:-49:-302 MEMBER WEISS: I have a comment and a question. I  
-03:-49:-253 guess the comment is going to be unless they're naming them  
-03:-49:-164 after themselves, I don't see an issue, but is there ever  
-03:-49:-125 contention in the street naming? I wondered how it happened,  
-03:-49:-016 but I didn't know what the process was.

-03:-48:-577 MR. SILVA: Yeah. So part of the public works  
-03:-48:-538 commission, like I said, the makeup of the board -- of the  
-03:-48:-509 commission, the members, one specifically has a Hawaiian  
-03:-48:-460 language expert, so we have that. Actually, the public works  
-03:-48:-411 commission is relatively -- and I think this is the sixth  
-03:-48:-362 year, but there was another -- there was multiple boards that  
-03:-48:-333 got consolidated into this one public works commission and  
-03:-48:-284 when it did that, the Hawaiian expert -- Hawaiian language  
-03:-48:-265 expert was added in when they created the public works  
-03:-48:-246 commission. So it gets reviewed, there are in the county code  
-03:-48:-207 requirements on what names are acceptable, and so it actually  
-03:-48:-158 has to be in the Hawaiian dictionary or named after a --  
-03:-47:-149 someone. So we've had people actually try to use names like,  
-03:-47:-20 I'd say, haole names that are -- that were -- tried to have  
-03:-47:-21 the Hawaiian translation that weren't actually Hawaiian names  
-03:-47:-22 that -- or -- they get rejected. So there's -- there is a  
-03:-47:-23 process and some outlined guidance in the county code.

-03:-47:-24 VICE CHAIR COURSON: Very interesting.

-03:-47:-25 MR. SILVA: Yeah.

-03:-47:-121 VICE CHAIR COURSON: Very, very interesting.

-03:-47:-092 Other questions or comments from any of the  
-03:-47:-053 commissioners? Yes, Bill.

-03:-47:-014 MEMBER CURTIS: So specific to the mainland, the  
-03:-46:-575 board is not selecting the names.

-03:-46:-546 MR. SILVA: No.

-03:-46:-527 MEMBER CURTIS: They're just being given names to  
-03:-46:-488 approve?

-03:-46:-469 MR. SILVA: Yeah, so the --

-03:-46:-440 MEMBER CURTIS: And if -- if a particular engineer  
-03:-46:-401 happens to be on that job --

-03:-46:-372 MR. SILVA: Yeah.

-03:-46:-373 MEMBER CURTIS: -- currently they don't vote on it  
-03:-46:-344 and you can't achieve quorum. But that engineer hasn't picked  
-03:-46:-195 the name, isn't -- just approving the use of the name?

-03:-46:-116 MR. SILVA: Correct. So when somebody applies for a  
-03:-46:-147 street name, there is a form they have to fill in what they're  
-03:-46:018 asking for and then there's actually alternatives as well,  
-03:-45:-459 alternative names, so if something doesn't get approved or  
-03:-45:-20 something gets rejected, that there can be an alternative  
-03:-45:-21 chosen by the commission. But, yeah, there's --

-03:-45:-22 MEMBER CURTIS: So it could be a street that person  
-03:-45:-23 may have designed?

-03:-45:-24 MR. SILVA: Yeah.

-03:-45:-25 MEMBER CURTIS: But it has nothing to do with the

-03:-45:-181 design or the approval of the street itself, it's just what  
-03:-45:-122 name it's designated?

-03:-45:-103 MR. SILVA: Correct. Just strictly the name.

-03:-45:-054 MEMBER WEISS: I guess another question would be:  
-03:-45:-025 Do you know why at some point in time they ask these engineers  
-03:-44:-576 that worked on the project to recuse their self? Is there any  
-03:-44:-457 reason or just --

-03:-44:-448 MR. SILVA: I think it was with the counsel who  
-03:-44:-399 happened to be that -- when I was on the urban design review  
-03:-44:-330 board, again, going back to that history, it was the same  
-03:-44:-261 counsel that is on the public works commission and he actually  
-03:-44:-242 cited that same thing is: We had a ruling on the urban design  
-03:-44:-193 review board if you're in a professional affiliation with a  
-03:-44:-144 project, you shouldn't be voting on approvals for that  
-03:-44:-115 project, so just in general.

-03:-44:-026 MEMBER WEISS: So the name just got lumped in on  
-03:-43:-567 that?

-03:-43:-518 MR. SILVA: Yeah, that was my understanding.

-03:-43:-439 MEMBER WEISS: That's the answer.

-03:-43:-400 VICE CHAIR COURSON: Counsel?

-03:-43:-361 MR. MURAI: Mike.

-03:-43:-322 MR. SILVA: Yeah.

-03:-43:-283 MR. MURAI: You know, I'm sorry, I couldn't tell  
-03:-43:-244 from your letter whether -- aside from being the chair of the  
-03:-43:-205 public works commission, are you also a county employee?

-03:-43:-231 MR. SILVA: No.

-03:-43:-222 MR. MURAI: Oh, okay. So are you asking for  
-03:-43:-143 yourself or yourself and others --

-03:-43:-094 MR. SILVA: And others. So all of the public work  
-03:-43:-045 commission members.

-03:-43:-036 MR. MURAI: You know, because, Members, I think one  
-03:-42:-587 problem we have here is that our rules only allow people to  
-03:-42:-548 request advisory opinions with regard to themselves. So  
-03:-42:-479 technically, we may not -- you know, if Mr. Silva is saying,  
-03:-42:-420 Well, I'm asking on behalf of somebody else, then we have to  
-03:-42:-411 say, Sorry, but that person would have to come, so you may --  
-03:-42:-402 And you're also an engineer?

-03:-42:-473 MR. SILVA: I am an engineer.

-03:-42:-464 MR. MURAI: Okay.

-03:-42:-435 MR. SILVA: So it could apply to me --

-03:-42:-436 MR. MURAI: Good. Great.

-03:-42:-417 MR. SILVA: -- if we wanted to change it to that,  
-03:-42:-418 that's fine.

-03:-42:-419 MEMBER WEISS: If it's just one of you --

-03:-42:-420 MR. MURAI: That's --

-03:-42:-421 MR. SILVA: I will be the -- I will be the person.

-03:-42:-422 MR. MURAI: That's my point.

-03:-42:-423 MR. SILVA: Okay.

-03:-42:-424 MR. MURAI: That, Mike, if the board issues an  
-03:-42:-425 advisory opinion as to you --

-03:-42:-021

MR. SILVA: Okay.

-03:-42:00 2

MR. MURAI: -- I think this is something that your colleagues who are also engineers --

-03:-41:-534

MR. SILVA: I see.

-03:-41:-515

MR. MURAI: -- could also rely on too.

-03:-41:-476

MR. SILVA: Okay.

-03:-41:-467

MR. MURAI: So we may not be able to grant your request to make it applicable to everyone, but, you know, I think it's safe to say that if engineers like you are on -- you know, have to name a street, that -- that if they're in the same situation, they're probably okay too.

-03:-41:-438

-03:-41:-399

-03:-41:-340

-03:-41:-281

-03:-41:-242

And I just had a question.

-03:-41:-223

MR. SILVA: Sure.

-03:-41:-144

-03:-41:-185

-03:-41:-136

-03:-41:-177

-03:-41:-128

MR. MURAI: You know, you mentioned that you were on the urban design review board and I -- I can recall that, you know, the decisions of the urban design review board can -- let's say they reject the design and they want something else, it can cost money to the developer; right?

-03:-40:-189

MR. SILVA: Yeah.

-03:-40:-260

-03:-40:-221

-03:-40:-262

-03:-40:-203

-03:-40:-244

-03:-40:-225

MR. MURAI: Some are significant money. But is there any value or money or -- you know, is there any value to the developer what -- what the name of the street is? In other words, do the -- does the parcel become more valuable or less valuable or I don't know if you -- if I'm making sense or --

-03:-40:-291 MR. SILVA: Yeah. I mean, I don't -- I've made --  
-03:-40:-202 from the urban design review board, that -- again, that  
-03:-40:-133 example, there might be some expense with redesigning or --

-03:-40:-134 MR. MURAI: Right.

-03:-40:-105 MR. SILVA: -- you know, coming back and doing other  
-03:-40:-066 presentations. And how that could translate into the public  
-03:-39:-597 works commission and street naming, I don't know if -- if  
-03:-39:-548 they -- the applicant hires somebody to choose the name -- I  
-03:-39:-489 know not all do, but some do, some have a consultant that  
-03:-39:-420 chooses the Hawaiian name, but some do that on their own, I --  
-03:-39:-371 I'm aware of that. But very seldomly do they come in front of  
-03:-39:-302 the public works commission, so time and effort spent. And  
-03:-39:-253 then regarding value, I don't know if there's any different  
-03:-39:-214 value to a name chosen one way or the other, that's, I guess,  
-03:-39:-155 never really come up in our meetings.

-03:-39:-126 MR. MURAI: I guess maybe I should ask in a  
-03:-39:-097 different way, then. Let's say a name is rejected.

-03:-39:-058 MR. SILVA: Yeah.

-03:-39:-039 MR. MURAI: Does it necessarily cost the developer  
-03:-38:-020 more money?

-03:-38:-021 MR. SILVA: I wouldn't think so, because, again, if  
-03:-38:-022 the -- the application has a requested name and an alternate  
-03:-38:-023 and they just chose the alternate, then I don't know if there  
-03:-38:-024 would be any --

-03:-38:-025 MR. MURAI: Okay.

-03:-38:-361 MR. SILVA: -- money, you know, any value, financial  
-03:-38:-292 gain --

-03:-38:-293 MR. MURAI: Right.

-03:-38:-294 MR. SILVA: -- one way or the other.

-03:-38:-265 MR. MURAI: Okay. Good. Yeah. 'Cause, in other  
-03:-38:-236 words, as far as the cost or any kind of financial impact to a  
-03:-38:-157 developer or a property owner, it -- whether you name it Aloha  
-03:-38:-108 Street Or Mahalo Street, it doesn't make a difference; right?

-03:-38:-059 MR. SILVA: I would agree.

-03:-38:-030 MR. MURAI: Okay.

-03:-37:-171 VICE CHAIR COURSON: Are there any further comments  
-03:-37:-152 or questions for Mr. Silva?

-03:-37:-173 (No response.)

-03:-37:-164 VICE CHAIR COURSON: Mr. Silva, anything else that  
-03:-37:-135 you would like to share --

-03:-37:-126 MR. SILVA: No.

-03:-37:-107 VICE CHAIR COURSON: -- with the commission? Thank  
-03:-37:-168 you so very, very much for coming.

-03:-37:-129 MR. SILVA: Thank you.

-03:-37:-20 VICE CHAIR COURSON: I appreciate that very, very  
-03:-37:-21 much.

-03:-37:-22 At this time, Chair, Mr. Silva, it's been made very  
-03:-37:-23 clear to us, as I understand Counsel, that Mr. Silva is  
-03:-37:-24 representing himself and only himself in this request.

-03:-37:-05 And at this time then, hearing no further comments



-03:-37:00 1 at this particular time, the chair will entertain a motion to  
-03:-36:-532 entertain -- sorry, to entertain the request from Mr. Silva  
-03:-36:-473 regarding this matter so that the duties of the PW -- public  
-03:-36:-414 works commission can be performed more expeditiously. Is  
-03:-36:-335 there a motion?

-03:-36:-316 MEMBER WEISS: I think I will try and recoup myself.  
-03:-36:-237 Chair, I make a motion that the -- that the ethics committee  
-03:-36:-168 approves at least Mr. Silva in his capacity as an engineer on  
-03:-36:-059 the public works commission to vote on names of streets and to  
-03:-35:-450 provide avenue for any other engineers that come in or to  
-03:-35:-441 his -- let me just say that. I'll make that motion and then  
-03:-35:-432 I'll have a comment.

-03:-35:-423 VICE CHAIR COURSON: All right. Before there's any  
-03:-35:-414 comments, is there a second?

-03:-35:-405 MEMBER GADARIAN: Second. Sara.

-03:-35:-476 VICE CHAIR COURSON: Thank you, Sara.

-03:-35:-457 It's been moved and discussed -- moved and seconded.  
-03:-35:-468 Are -- is there any discussion now regarding the motion that's  
-03:-35:-429 been made?

-03:-35:-20 MEMBER WEISS: My -- my question, Gary, would be  
-03:-35:-21 since -- is this precedent that they can rely on the fact that  
-03:-35:-22 Mr. Silva's been approved as an engineer to vote on these  
-03:-34:-23 names and feel free to vote or do they actually need to come  
-03:-34:-24 in here and be individually approved?

-03:-34:-25 MR. MURAI: You know, there's no -- there's no hard-

-03:-34:-421 and-fast rule, but if I see a colleague of mine who has -- or  
-03:-34:-362 if I see an existing advisory opinion that is very --  
-03:-34:-293 identical or nearly identical to my situation and I follow  
-03:-34:-244 that opinion, it's not like a -- it's not like immunity or,  
-03:-34:-165 you know, I can do whatever I want, but we do issue these  
-03:-34:-126 opinions to also guide other people who are in the same  
-03:-34:-087 situation. So if another engineer would read this and go,  
-03:-34:-038 Hey, this sounds exactly like me, I'm going to follow this,  
-03:-33:-579 then it's pretty safe to say that -- that they're okay. If  
-03:-33:-430 they think that they want to get additional protection and  
-03:-33:-461 come themselves and present their case, that's fine too.  
-03:-33:-402 That's more a decision of the individual.

-03:-33:-343 MEMBER WEISS: But in the capacity of naming a  
-03:-33:-314 street or voting on names of a street as an engineer working  
-03:-33:-275 on a project in front of the PWC, they could rely on this  
-03:-33:-226 opinion in the same capacity, in the same way?

-03:-33:-177 MR. MURAI: Well, like I said, you know, they can  
-03:-33:-148 rely on it for guidance, but it's not -- it's not like getting  
-03:-33:-109 blanket immunity, you know. If you're -- if you're similarly  
-03:-33:-040 or identically situated and you -- you know, and it's -- it  
-03:-32:-511 regards street naming, then I'd say, yeah, it's safe to rely  
-03:-32:-502 on. But you couldn't take this, run with it and say, Okay,  
-03:-32:-463 I'm going to use the same -- this street-naming opinion for  
-03:-32:-424 when I'm the board of variances and appeals.

-03:-32:-215 MEMBER WEISS: Specifically for this vote at -- on

-03:-32:-281 this commission.

-03:-32:-262 MR. MURAI: Right. And, again, you know, in my  
-03:-32:-233 view, what a significant factor would be -- for this board  
-03:-32:-184 would be that there's really no value to -- you know, there's  
-03:-32:-145 no dollar value or it doesn't really affect the -- you know,  
-03:-32:-096 the cost to someone's employer whether you -- you know, what  
-03:-32:-037 name you give a street.

-03:-31:-598 MEMBER CURTIS: Could I present one question to  
-03:-31:-569 Mr. Silva?

-03:-31:-430 VICE CHAIR COURSON: Yes, you --

-03:-31:-421 Mr. Silva, would that be all right to answer one  
-03:-31:-402 more question? Thank you.

-03:-31:-403 Please go ahead, Bill.

-03:-31:-454 MEMBER CURTIS: Would you be able to move things  
-03:-31:-425 along in your committee -- is this just a single occurrence or  
-03:-31:-406 does this happen on a regular basis that it becomes difficult  
-03:-31:-307 for you to move things off of your agenda.

-03:-31:-358 MR. SILVA: It's -- I mean, it's come up multiple  
-03:-31:-309 times. You know, I don't want to use that as an excuse to  
-03:-31:-260 pass an opinion, but there have been meetings that have been  
-03:-31:-221 cancelled because we didn't have --

-03:-31:-062 MEMBER CURTIS: But this would be helpful in more  
-03:-31:-023 than one instance?

-03:-31:-024 MR. SILVA: Yeah.

-03:-31:-025 MEMBER CURTIS: That's my question.

-03:-30:-591

MR. SILVA: Yes, definitely, it would.

-03:-30:-592

MEMBER CURTIS: Okay.

-03:-30:-553

MR. SILVA: It has multiple occurrences.

-03:-30:-474

VICE CHAIR COURSON: Is your question answered?

-03:-30:-455

MEMBER WEISS: Your only -- the only area I see

-03:-30:-416

costing a developer is if he -- there wasn't a quorum, you

-03:-30:-327

know, they had to recuse themselves and it had to be carried

-03:-30:-288

over to another meeting and it's just more delay in the

-03:-30:-249

project, you know, that we can't get the street signs up or

-03:-30:-190

start being built or -- and so I think this is -- it should

-03:-30:-191

work.

-03:-30:-162

VICE CHAIR COURSON: Thank you.

-03:-30:-163

Any further questions or comments?

-03:-30:014

MR. MURAI: Okay. So since I need to write this up,

-03:-29:-155

Members, if I may, when I draft this opinion, what the board

-03:-29:-116

is doing is they're saying that an engineer who sits on the

-03:-29:-117

public works commission who has -- when they are reviewing and

-03:-29:-118

approving a street name, they may vote on a street name that

-03:-29:-169

may happen to be located in a project that they may have

-03:-29:-20

worked on in their capacity as a private engineer; is

-03:-29:-21

that accurate?

-03:-29:-22

MEMBERS: Yes.

-03:-29:-23

MR. MURAI: And, of course, it's based on the fact

-03:-29:-24

that the -- the naming of a street itself does not create any

-03:-29:-25

kind of financial -- significant financial impact and as

-03:-28:-581 Member Weiss has pointed out, the delay caused by a lack of  
-03:-28:-512 quorum could actually add to a developer's costs.

-03:-28:-443 VICE CHAIR COURSON: Yes, that is correct, Counsel.

-03:-28:-424 MR. MURAI: All right. So noted. Thank you.

-03:-28:-385 VICE CHAIR COURSON: Thank you, Counsel.

-03:-28:-366 So the motion has been made and seconded. Is there  
-03:-28:-317 any further discussion?

-03:-28:-298 (No response.)

-03:-28:-289 VICE CHAIR COURSON: Call for the question. All in  
-03:-28:-260 favor?

-03:-28:-261 (Response.)

-03:-28:-232 VICE CHAIR COURSON: Opposed?

-03:-28:-203 (No response.)

-03:-28:-194 VICE CHAIR COURSON: Passed unanimously.

-03:-26:-175 The next item is e and this is a request for an  
-03:-26:-166 advisory opinion by Mr. Dylan Payne, No. 19A-16 dated  
-03:-26:-167 October 28, 2019, a member of the West Maui Community Plan  
-03:-26:-178 Advisory Committee, CPAC, who is also a licensed realtor  
-03:-26:-129 associated with the West Maui Land Company, Incorporated, Real  
-03:-26:-20 Estate Division, whose brokerage firm is one of a number of  
-03:-26:-21 affiliated companies in the West Maui Land Company, to provide  
-03:-26:-22 direction on any potential conflict of interest with his  
-03:-25:-23 future participation in discussions and/or voting on issues  
-03:-25:-24 related to lands owned by the various affiliate companies  
-03:-25:-25 located within the CPAC area.

-03:-25:-431 Is Mr. Payne present today? Mr. Payne, would you be  
-03:-25:-372 willing to come up to the podium.

-03:-25:-333 Thank you so much, sir. And just for the record,  
-03:-25:-294 would you please state your name and title.

-03:-25:-245 MR. PAYNE: Good afternoon. My name is Dylan Payne.  
-03:-25:-186 I'm appearing today as a member of the West Maui Community  
-03:-25:-137 Plan Advisory Committee and I'm seeking an advisory opinion  
-03:-25:-108 from the board of ethics as described by the chair here, so...

-03:-25:-049 VICE CHAIR COURSON: Mr. Payne, do you have any  
-03:-25:-110 further comments in addition to the comments that have been  
-03:-24:-161 made by the chair?

-03:-24:-142 MR. PAYNE: Not generally. Although, I -- I've --  
-03:-24:-143 we were seated in July as -- as the CPAC and as I state in the  
-03:-24:-144 letter that you have before you, it's a 13-member volunteer  
-03:-24:-125 committee who provides recommendations to the community plan  
-03:-24:-126 that then get forwarded on to the planning commission for  
-03:-24:-117 review and then, finally, forwarded to the county council, who  
-03:-24:-118 has the -- the actual vote on what the community plan shall  
-03:-24:-109 be.

-03:-24:-020 I work as a real estate professional, so my job is  
-03:-24:-021 to assist clients in buying and selling real property. One of  
-03:-23:-022 my clients is -- or from time to time is -- is one of the  
-03:-23:-023 affiliate companies of West Maui Land, who they have a bunch  
-03:-23:-024 of entities that own various lands within the West Maui  
-03:-23:-025 Community Plan region. And so I'm just seeking an opinion

-03:-23:-361 from the board on whether or not I should participate in  
-03:-23:-312 discussion and voting as it pertains to those lands.

-03:-23:-263 I will say that I -- I don't receive any  
-03:-23:-224 remuneration from the land companies themselves, just solely  
-03:-23:-155 commission based on sales. So Tracy Stice, who's a longtime  
-03:-23:-076 realtor here on Maui, wrote an interesting blog post where he  
-03:-23:00 7 said, Hey, I wake up every morning and I'm unemployed and it's  
-03:-22:-548 my job to go out and find something to buy or sell. So that's  
-03:-22:-489 kind of how I see myself in this situation, but I'm kind of  
-03:-22:-420 coming to you for an opinion.

-03:-22:-381 VICE CHAIR COURSON: Thank you, Mr. Payne.

-03:-22:-372 Commissioners, have you all received and reviewed  
-03:-22:-323 the letter from Mr. Payne? You've had the opportunity to read  
-03:-22:-264 and review this letter. Do you have any questions for  
-03:-22:-215 Mr. Payne?

-03:-22:-196 MEMBER WEISS: I have one.

-03:-22:-167 VICE CHAIR COURSON: Yes.

-03:-22:-128 MEMBER WEISS: Could you still be effective on CPAC  
-03:-22:-089 if you had to recuse yourself on -- I don't know if it's a  
-03:-22:-020 vote that you do -- on anything involving West Maui Land  
-03:-21:-261 Company? Could you still be effective?

-03:-21:-222 MR. PAYNE: Just to understand your question, so if  
-03:-21:-203 I did not participate in issues touching those --

-03:-21:-204 MEMBER WEISS: I didn't know if there was a vote.  
-03:-21:-205 Do you --

-03:-21:-361 MR. PAYNE: There is a vote, yes.

-03:-21:-332 MEMBER WEISS: So if -- if you recuse yourself on  
-03:-21:-263 voting on issues involving West Maui Land Company, could you  
-03:-21:-204 still be effective overall on the board?

-03:-21:-145 MR. PAYNE: I suppose. Again, it's a 13-member  
-03:-21:-106 committee, so you need a majority of seven to carry any vote,  
-03:-21:-017 mine would just be one, and -- yeah, I would -- I would not be  
-03:-20:-558 involved in the voting there, so I -- I mean, I think it would  
-03:-20:-499 still be able to be get done.

-03:-20:-460 MEMBER WEISS: Maybe I'm not articulating, but you  
-03:-20:-431 as a member -- and anybody that serves as a volunteer member,  
-03:-20:-462 you have to -- you can kind of -- could you still be effective  
-03:-20:-493 on -- if you recuse yourself just on -- 'cause not  
-03:-20:-434 everything's going to be, obviously, Maui Land, there's all --  
-03:-20:-445 I'm assuming a variety of land issues that comes up in front  
-03:-20:-496 of you. But if the board gave you an opinion that you should  
-03:-20:-427 recuse yourself from just issues around West Maui Land as long  
-03:-19:-458 as you're affiliated with them, could you still be effective?  
-03:-19:-439 I mean, that's the --

-03:-19:-420 MR. PAYNE: I would be less effective, but I  
-03:-19:-431 could -- I could still have effect in other areas, yes.

-03:-19:-422 VICE CHAIR COURSON: Thank you.

-03:-19:-423 Further questions?

-03:-19:-424 MEMBER GADARIAN: Yes.

-03:-19:-425 MEMBER CURTIS: Just a question -- go ahead, Sara.



-03:-19:-141 MEMBER GADARIAN: All right. So my question is that  
-03:-19:-102 you have your clients -- as an individual independent  
-03:-19:-033 contractor, your clients are investors or otherwise in the  
-03:-18:-554 properties of -- owned by West Maui Land generally, is  
-03:-18:-445 that where your client base comes from?

-03:-18:-386 MR. PAYNE: They're among my clients, yes. I also  
-03:-18:-347 represent clients that have no affiliation whatsoever with  
-03:-18:-308 West Maui Land, so they are one of many clients. But I think  
-03:-18:-259 the greater question is I -- I work under the brokerage of  
-03:-18:-210 West Maui Land Company, who is an affiliate and subsidiary  
-03:-18:-151 company to these entities that are landowners where the -- the  
-03:-18:-102 community plan advisory committee will be issuing a  
-03:-18:-053 recommendation on what the appropriate future land use of  
-03:-17:-104 those properties might be.

-03:-17:-155 MEMBER GADARIAN: So then to follow up, some of your  
-03:-17:-106 clients would be affected by, in the long run, whether or not  
-03:-17:-027 the council -- county council eventually adopts regulations or  
-03:-17:-148 things about land use, but some of your clients could be  
-03:-17:-109 affected by what -- what the C -- community plan action  
-03:-17:-020 committee is recommending?

-03:-17:-021 MR. PAYNE: Perhaps, yes.

-03:-17:-022 MEMBER GADARIAN: And that would be -- this is a  
-03:-17:-023 comment, that the -- the sentiment of a number of residents  
-03:-17:-024 in -- in the West Maui community is very, very conservative  
-03:-16:-025 about allowing more development and -- and urban sprawl and

-03:-16:-471 all -- all of that they -- it's a highly emotional sentiment  
-03:-16:-402 among the community in West Maui. So your -- people's  
-03:-16:-343 perception of you being affiliated with West Maui Land Company  
-03:-16:-244 needs to be clear as to when -- when you are participating and  
-03:-16:-155 voting on these matters, that's my take, take on the matter.

-03:-16:-076 MR. PAYNE: That's correct. And I would just add  
-03:-16:-037 that I -- I'm participating on the community plan advisory  
-03:-15:-578 committee as an individual, not as a realtor nor an affiliate  
-03:-15:-529 of West Maui Land, but as a resident of West Maui, somebody  
-03:-15:-470 who grew up there who sees the need for balance in conserving  
-03:-15:-401 things, but also allowing opportunities for people to continue  
-03:-15:-372 to live there. And I think -- I think the -- the makeup of  
-03:-15:-293 the community plan advisory committee, being that there are 13  
-03:-15:-254 members, kind of speaks to a wide range of -- of those  
-03:-15:-175 opinions. I think if -- if we wanted 13 members on the  
-03:-15:-136 committee that all were aligned and had the same voice, you  
-03:-15:-107 would only need a committee of one and somebody could write --  
-03:-15:018 write the plan by themselves in their bedroom, so I -- I think  
-03:-14:-149 that the public discourse is important to have perspectives  
-03:-14:-120 from all -- all -- kind of all areas, I guess.

-03:-14:-101 MEMBER GADARIAN: Thank you.

-03:-14:-082 MR. PAYNE: Yeah.

-03:-14:-063 MEMBER GADARIAN: Nothing further.

-03:-14:-034 VICE CHAIR COURSON: Thank you.

-03:-14:-025 Yes, Sara.

-03:-14:-241 MEMBER CURTIS: Go ahead.

-03:-14:-182 MEMBER PHILLIPS: So -- so --

-03:-14:-153 VICE CHAIR COURSON: I'm sorry. Rachel. Excuse me.

-03:-14:-114 MEMBER PHILLIPS: So my understanding of the West  
-03:-14:-025 Maui Land's holdings is they're vast in West Maui, probably  
-03:-13:-546 thousands of acres of undeveloped lands in West Maui. Am I --  
-03:-13:-487 am I correct or --

-03:-13:-448 MR. PAYNE: I don't know the exact number, but  
-03:-13:-409 they're -- yeah, they own lands in Olowalu, Launiupoko,  
-03:-13:-330 Makila, Lahaina, and Kahoma, so generally from the area of  
-03:-13:-261 Wahikuli to Olowalu.

-03:-13:-182 MEMBER PHILLIPS: So I guess the concern I have  
-03:-13:-143 with -- I know that the community plan advisory community is  
-03:-13:-104 only advisory, but their opinions are taken very seriously by  
-03:-13:-025 the agencies that eventually determine what's going to happen  
-03:-12:-596 to those lands and, you know, if they're agricultural now and  
-03:-12:-547 there are plans to, you know, increase that density and things  
-03:-12:-488 like that, that would -- it's a huge decision that will affect  
-03:-12:-449 the company. And although I realize you're an independent  
-03:-12:-400 contractor for that company, do you also sell lands that the  
-03:-12:-361 company -- so if they do a project and then they're selling  
-03:-12:-322 the, you know, parcels in the project, do you work for the  
-03:-12:-283 company in that capacity as well and are a representative for  
-03:-12:-244 West Maui Land in sales of their -- their other projects?

-03:-12:-025 MR. PAYNE: Yes, absolutely.

-03:-12:00 1

VICE CHAIR COURSON: Thank you, Sara.

-03:-11:-572

Bill.

-03:-11:-543

MEMBER CURTIS: My question was more of a general

-03:-11:-514

one because we have an administrative executive of a council

-03:-11:-455

person also in this -- how are people appointed to the CPAC?

-03:-11:-366

How did -- are you nominated by -- how did you --

-03:-11:-297

MR. PAYNE: Right. So you submit an application to

-03:-11:-248

the council, I believe, and -- again, it's a 13-member body,

-03:-11:-189

nine of those members are appointed by the county council and

-03:-11:-130

then four are appointed by the mayor.

-03:-11:-101

MEMBER CURTIS: So you were appointed by?

-03:-11:-052

MR. PAYNE: The mayor.

-03:-11:-023

MEMBER CURTIS: Okay. So...

-03:-10:-174

VICE CHAIR COURSON: Is your question answered,

-03:-10:-115

then, Bill?

-03:-10:-146

MEMBER CURTIS: Yes.

-03:-10:-137

VICE CHAIR COURSON: Any further questions or

-03:-10:-118

comments?

-03:-10:-109

MR. PAYNE: Could I just add a comment to --

-03:-10:-020

VICE CHAIR COURSON: Yes.

-03:-10:-021

Before you do, Sara.

-03:-10:-022

MEMBER GADARIAN: Yes. So currently do you know of

-03:-10:-023

any of your clients whose interest would be affected? You

-03:-10:-024

have customers/clients and all -- whose interests would be

-03:-10:-025

directly affected because they'll -- they'll say, I want to

-03:-10:-011 buy or sell and what's going to -- what's going to happen?  
-03:-09:-522 Would you -- are you in a position of giving advice or working  
-03:-09:-443 with your existing clients who own properties or want to buy  
-03:-09:-374 properties there as to what's -- what's likely to happen or --

-03:-09:-285 MR. PAYNE: If I understand your question correctly,  
-03:-09:-246 I don't think my position nor my ability to potentially vote  
-03:-09:-187 on these items would give me an advantage in advising clients  
-03:-09:-108 to do one thing or the other as it pertains to buying or  
-03:-09:-059 selling property, because, again, I'm one of 13 of an advisory  
-03:-08:-180 committee. It -- I feel like it's so far removed from the  
-03:-08:-131 actual plan that I wouldn't --

-03:-08:-192 To use like a concrete example, if there was a lot  
-03:-08:-153 in Lahaina, let's say, that we are discussing in the context  
-03:-08:-114 of the community plan growth maps, I don't think I could use  
-03:-08:-155 my position to say, Hey, you should go buy this right now,  
-03:-08:-106 because the community plan is discussing this and I'm going to  
-03:-08:-167 vote on this this way. I don't think that that affects the  
-03:-08:-198 value of the property in a -- in a concrete, foreseeable way  
-03:-08:-159 because it's so far removed from actually what ends up  
-03:-08:-20 happening in council chambers in most cases.

-03:-08:021 MEMBER GADARIAN: So -- so we're back to perception.  
-03:-07:-22 So your -- would -- when you identify yourself and you're  
-03:-07:-23 discussing particular lands that -- in the -- in the CPAC and  
-03:-07:-24 you're discussing particular lands that the West Maui Land  
-03:-07:-25 Company owns, would it hamper you in -- in the committee, in

-03:-07:-161 CPAC, if you disclose that you have your license with -- with  
-03:-07:-062 a company, but you are acting as an individual or some other  
-03:-07:00 3 disclaimer that you could present?

-03:-06:-574 MR. PAYNE: I don't think a disclosure would hamper  
-03:-06:-535 my ability to -- to perform as a committee member and I've --  
-03:-06:-476 I think I've done that in the past and would -- would likely  
-03:-06:-437 continue to do so. I -- yeah, I don't think it would cause a  
-03:-06:-348 problem.

-03:-06:-339 MEMBER GADARIAN: Thank you.

-03:-06:-10 VICE CHAIR COURSON: Yes, Bill.

-03:-06:-11 MEMBER CURTIS: And then a follow-up to the mayor's  
-03:-06:-12 appointment, are all CPAC appointees approved by council, even  
-03:-06:-13 though they're nominated by individual council members or by  
-03:-06:-14 the mayor?

-03:-06:-15 MR. PAYNE: No. So the -- the nine that are  
-03:-06:-16 approved by council are voted on by the full body of the  
-03:-06:-17 county council and then the four that are approved by the  
-03:-06:-18 mayor are -- they don't require any council approval.

-03:-05:-19 MEMBER CURTIS: Okay. So the intent is to have some  
-03:-05:-20 balance between the executive and the legislative?

-03:-05:-21 MR. PAYNE: Correct. Yeah.

-03:-05:-22 VICE CHAIR COURSON: Thank you, Bill.

-03:-05:-23 Any further comments or questions?

-03:-05:-24 MEMBER PHILLIPS: Yes.

-03:-05:-25 VICE CHAIR COURSON: Yes, Rachel.

-03:-05:-311 MEMBER PHILLIPS: I guess my -- my biggest concern  
-03:-05:-262 is that even though you're an independent contractor for West  
-03:-05:-193 Maui Land, you would have financial gain if you're  
-03:-05:-174 representing them in the sales of lands that are ultimately  
-03:-05:-105 approved for development, you know, through this proces. And  
-03:-05:-066 I realize it's a process and this is going to be just one  
-03:-05:-017 step.

-03:-05:00 8 MR. PAYNE: Agreed.

-03:-04:-599 MEMBER PHILLIPS: That would be my biggest concern  
-03:-04:-450 of conflict.

-03:-04:-441 MR. PAYNE: Right. That's true. I would just offer  
-03:-04:-412 that I -- again, I work for several clients that own land all  
-03:-04:-453 over the island, so -- and it's a difficult question and  
-03:-04:-444 that's why I'm coming to -- to you folks as a board to render  
-03:-04:-425 an opinion, because I don't know what the answer should be.  
-03:-04:-446 But it -- I think it's a -- where do you draw the line, I  
-03:-04:-417 guess, is -- 'cause I have clients who own land in Napili, do  
-03:-04:-418 I have to not interact with them or on decisions in those  
-03:-04:-419 areas? It's a challenging one, so I appreciate your  
-03:-04:-420 deliberations on this.

-03:-03:-421 I would also add, just contextually, my background  
-03:-03:-422 educationally is in planning, I -- I got my bachelor's degree  
-03:-03:-423 in urban planning and did an internship with the county  
-03:-03:-424 planning department, so that's my -- kind of what drew me to  
-03:-03:-425 be interested to be involved in this process, not to mention

-03:-03:-321 that I care deeply about the future of Lahaina personally.

-03:-03:-232 So, yeah.

-03:-03:-193 MR. MURAI: Mr. Chair.

-03:-03:-194 VICE CHAIR COURSON: Counsel, do you have any  
-03:-03:-175 comments or questions?

-03:-03:-166 MR. MURAI: Yeah.

-03:-03:-157 Dylan, I guess maybe it's more for my benefit,  
-03:-03:-108 'cause I really don't -- even though I work for the county, I  
-03:-02:-579 really don't have a real good idea of what CPAC does. I  
-03:-02:-450 know -- I know they make recommendations regarding the  
-03:-02:-421 community plan, but how deep in the weeds does the CPAC's  
-03:-02:-362 analysis go? Is it like just -- do you get as -- down to like  
-03:-02:-293 individual TMKs or is it just areas or zones? Or I may not be  
-03:-02:-194 using the right terms, you know.

-03:-02:-185 MR. PAYNE: Yeah.

-03:-02:-176 MR. MURAI: But if you -- if you get what I mean,  
-03:-02:-137 you know, do you get down to like individual TMKs, like we  
-03:-02:-158 think that we should recommend this kind of activities on this  
-03:-02:019 particular parcel?

-03:-01:-20 MR. PAYNE: Honestly, I -- we haven't gotten to the  
-03:-01:-21 mapping stages yet, so I don't know exactly how that's going  
-03:-01:-22 to play out, but I can say that we have gotten very lost in  
-03:-01:-23 the weeds thus far as we've reviewed.

-03:-01:-24 So the way that it works is the community plan is  
-03:-01:-25 supposed to be updated, I believe, every ten years --



-03:-01:-281 MEMBER CURTIS: Yes.

-03:-01:-272 MR. PAYNE: The last community plan update that  
-03:-01:-243 happened for West Maui was in 1996, so they're way overdue.

-03:-01:-184 MEMBER CURTIS: Yeah.

-03:-01:-185 MR. PAYNE: And instead of simply updating the  
-03:-01:-146 community plan, the -- the planning department has actually  
-03:-01:-067 kind of just started from scratch and written a new plan.

-03:-01:-028 MEMBER CURTIS: Okay.

-03:-01:-029 MR. PAYNE: And so we're really -- blank slate is  
-03:00:-510 where we're at. The long range department of the planning  
-03:00:-411 department has created a draft that the CPAC is now reviewing  
-03:00:-412 and we're making changes to -- or recommendations to the  
-03:00:-413 different policies and actions, and then we'll get to the  
-03:00:-314 mapping stages. And we probably will kind of get down to the  
-03:00:-315 granular level of a TMK and how a TMK should be treated moving  
-03:00:-216 forward for the next ten years within the context of the Maui  
-03:00:-117 Island Plan and the General Plan, so that was updated in -- I  
-03:00:-118 think in the early 2000s. Or 2010.

-02:-59:-179 MR. MURAI: This may be a dumb question, but, you  
-02:-59:-20 know, how big is the -- the W in West Maui? Is it like --  
-02:-59:-21 does it start, like, say Olowalu all the way to -- you know,  
-02:-59:-22 to Kapalua or, you know, where -- what's the --

-02:-59:-23 MR. PAYNE: The W in West Maui?

-02:-59:-24 MR. MURAI: Yeah. West, you know, where does  
-02:-59:-25 west -- what's your territory?

-02:-59:-181 MR. PAYNE: Oh, the West Maui Community Plan region  
-02:-59:-132 is generally kind of from -- I guess from the tunnel on the  
-02:-58:-533 Pali to probably like Nakalele or Honokohau.

-02:-58:-394 MR. MURAI: Okay.

-02:-58:-385 VICE CHAIR COURSON: All right. Yes.

-02:-58:-106 MEMBER LEWIS: I have a question. Hi, this Gerri.

-02:-58:-057 MR. PAYNE: Hi.

-02:-58:-018 MEMBER LEWIS: So how often does the CPAC meet?

-02:-57:-529 MR. PAYNE: Often.

-02:-57:-420 (Laughter.)

-02:-57:-441 MR. PAYNE: It's either once or twice a week in the  
-02:-57:-462 evenings --

-02:-57:-463 MR. MURAI: Wow.

-02:-57:-454 MR. PAYNE: -- in Lahaina.

-02:-57:-445 MEMBER LEWIS: Okay.

-02:-57:-426 MR. PAYNE: And our meetings generally last about  
-02:-57:-417 three to three and a half hours, so it's a pretty intensive  
-02:-57:-418 process. It was meant to only be about six months, but they  
-02:-57:-419 just asked for an extension of another I think 120 days, so  
-02:-57:-420 we'll get done when we get done, I guess.

-02:-57:-421 MEMBER WEISS: I wanted to clarify my understanding  
-02:-57:-422 of your question. I think we expanded the disclosure outside  
-02:-56:-423 of the bounds -- I was just thinking just West Maui Land,  
-02:-56:-424 Peter Martin and his group, if there was -- and staying  
-02:-56:-425 consistent with this board's recommendations in the past.

-02:-56:-391 MR. PAYNE: Yes.

-02:-56:-392 MEMBER WEISS: Anything to do with West Maui, at the  
-02:-56:-363 very least, to disclose the fact you have a -- you have an  
-02:-56:-304 affiliation with them and not get too spread out (inaudible)  
-02:-56:-145 and fine line, that's not what I meant, but at the very least  
-02:-56:-086 I'm assuming we'll require disclosure. I hate to discourage  
-02:-56:00 7 any volunteer for the better of the community to be hindered  
-02:-55:-538 or stifled at all and I think -- I just meant just West Maui  
-02:-55:-429 Land Company, if there was an issue that dealt with lands that  
-02:-55:-360 they own in front of the board, that's where I -- that's where  
-02:-55:-311 my concern is. Like I said, at the very least, I'm assuming  
-02:-55:-152 there would be some -- some sort of required disclosure.

-02:-55:-153 MR. MURAI: And so --

-02:-55:-164 MEMBER WEISS: Not clients here and (inaudible)  
-02:-55:-165 there.

-02:-55:-116 MR. PAYNE: Yes.

-02:-55:-117 MR. MURAI: Member Weiss, I -- what I was planning  
-02:-54:-138 on doing, with the board's permission, is to make this  
-02:-54:-169 advisory opinion applicable to the West Maui Land Company or  
-02:-54:-200 any of its upstream owners or downstream affiliates or  
-02:-54:-211 subsidiaries.

-02:-54:-212 MEMBER WEISS: Affiliated with West Maui Land  
-02:-54:-213 Company.

-02:-54:-214 MR. MURAI: Yes, affiliates or subsidiaries.

-02:-54:-215 MEMBER WEISS: As long as you're with that --

-02:-54:-131 MR. PAYNE: Yeah.

-02:-54:-112 MEMBER WEISS: -- brokerage.

-02:-54:-073 MR. PAYNE: Yeah.

-02:-54:-044 MEMBER WEISS: If you went to, you know, to work for  
-02:-53:-595 somebody else, it probably wouldn't apply, but, right,  
-02:-53:-486 anything under Peter's vast empire.

-02:-53:-397 VICE CHAIR COURSON: Thank you.

-02:-53:-398 Any other -- any further questions or comments?

-02:-53:-329 MEMBER CURTIS: I have a stupid question. Your --  
-02:-53:-190 the CPAC or -- Ms. Lucero --

-02:-53:-111 MR. MURAI: You can't Mister --

-02:-52:-192 MEMBER CURTIS: No, no. But her -- her application  
-02:-52:-153 says just the CPAC as one entity, Mr. Payne's is talking about  
-02:-52:-144 the West Maui CPAC, are we talking -- is this --

-02:-52:-145 MR. PAYNE: It's the same thing.

-02:-52:-116 MEMBER CURTIS: Okay.

-02:-52:-117 MR. PAYNE: Yes.

-02:-52:-118 MEMBER CURTIS: So it's just specific to West Maui?

-02:-52:-139 MR. PAYNE: Correct.

-02:-52:-20 MEMBER CURTIS: It's only for a certain period of  
-02:-52:-21 time, then it dissolves, and then it gets reconstituted when  
-02:-52:-22 they do it again. Okay. So they are the same, one's not  
-02:-52:-23 island-wide and one's not West Maui?

-02:-52:-24 MR. PAYNE: That's correct. That's correct.

-02:-52:-25 MEMBER CURTIS: Okay.

-02:-52:-021 VICE CHAIR COURSON: Any further questions or  
-02:-52:00 2 comments for Mr. Payne?

-02:-51:-543 Counsel?

-02:-51:-464 (Conferring with corporation counsel.)

-02:-51:-385 VICE CHAIR COURSON: Okay. Thank you, Mr. Payne,  
-02:-51:-356 for your patience with us and for your thoroughness in  
-02:-51:-287 answering our questions. We appreciate it.

-02:-51:-268 MR. PAYNE: Thank you. I appreciate the time that  
-02:-51:-219 you all spend volunteering on this board. Thank you.

-02:-51:-180 VICE CHAIR COURSON: Thank you so much.

-02:-51:-141 The chair will now entertain a motion regarding an  
-02:-51:-122 advisory opinion by the board of ethics regarding 19A-16.

-02:-50:-183 MEMBER WEISS: Chair, I make a motion that the board  
-02:-50:-144 issues an advisory letter to Mr. Payne instructing him to be  
-02:-50:-145 sure that there's a disclosure made of his affiliation with  
-02:-50:-196 West Maui Land Company if a -- if a discussion comes up about  
-02:-50:-127 land owned by West Maui Land Company or an affiliate.

-02:-50:-138 VICE CHAIR COURSON: Thank you.

-02:-50:-119 The motion has been made, is there a second?

-02:-50:-20 MEMBER CURTIS: I'll second. Bill.

-02:-50:-21 VICE CHAIR COURSON: Thank you, Bill.

-02:-50:-22 It's been moved and seconded. Is there any  
-02:-50:-23 discussion?

-02:-50:-24 MEMBER GADARIAN: Yes. A question: That includes  
-02:-49:-25 discussing and vote? Both discussion of the subject and

-02:-49:-501

voting?

-02:-49:-482

MEMBER WEISS: Well, I think if you disclose yourself before the discussion begins, it's -- probably carries over.

-02:-49:-295

VICE CHAIR COURSON: It's part of the process.

-02:-49:-266

MEMBER WEISS: It's part of the process.

-02:-49:-247

VICE CHAIR COURSON: Yes.

-02:-49:-238

MEMBER WEISS: I think it's just disclose if something with West Maui Land comes up, an affiliate, I work for an affiliate or I work for that exact same company or an affiliate thereof and to make that and then go ahead with the process.

-02:-49:-179

-02:-49:-190

-02:-48:-191

-02:-48:-172

-02:-48:-163

VICE CHAIR COURSON: Part of the process.

-02:-48:-154

Any further discussion?

-02:-48:-125

Counsel, any further issue?

-02:-48:-196

-02:-48:-147

-02:-48:-168

-02:-48:-109

-02:-48:-200

-02:-48:-051

-02:-48:022

-02:-47:-223

-02:-47:-244

-02:-47:-255

MR. MURAI: Just to clarify -- just to clarify what Member Gadarian and Member Weiss were discussing. So should a matter directly affecting West Maui Land Company, its owners, subsidiaries or affiliates come up, what you're saying is that Mr. Payne may -- must disclose his relationship. And if it directly affects his employer or, you know, West Maui Land and its affiliates, he must refrain from voting, but if -- does the board allow him to vote on, say, the entire West Maui, you know, plan? In other words, can he vote on the whole package? You know, if something that may affect just, you know, the --

-02:-47:-351 a parcel owned by West Maui Land comes up, you're saying he  
-02:-47:-292 must disclose it and not vote, but if it's an entire plan that  
-02:-47:-243 encompasses all of West Maui, he can vote on that, or not?

-02:-47:-194 MEMBER WEISS: Yes. I initially said just  
-02:-47:-165 disclosure, I didn't include voting, but if that's the board's  
-02:-47:-076 position.

-02:-47:-047 VICE CHAIR COURSON: Well, that's what Sara brought  
-02:-47:-028 up.

-02:-47:-019 MEMBER WEISS: Okay. I think it -- if it's specific  
-02:-46:-480 only to West Maui Land Company, whether it's discussion and  
-02:-46:-421 voting or one or the other, but certainly to be able to vote  
-02:-46:-472 on the general plan, that's my opinion.

-02:-46:-423 VICE CHAIR COURSON: Is that clear, Sara?

-02:-46:-404 MEMBER GADARIAN: To be able to vote on the ultimate  
-02:-46:-345 recommendations of the committee? There's -- I guess the  
-02:-46:-256 question is: There's phases of -- weekly, weekly meetings  
-02:-46:-157 where they're discussing, but they're taking -- oh, we forgot  
-02:-46:-178 to ask if they're taking votes at the time that they're doing  
-02:-46:-129 the discussions, then they get to individual situations, or is  
-02:-45:-20 it the whole.

-02:-45:-21 VICE CHAIR COURSON: Counsel, do you have an answer  
-02:-45:-22 to that question?

-02:-45:-23 MR. MURAI: I don't know the answer to that.

-02:-45:-24 MEMBER GADARIAN: So there could be -- it seems to  
-02:-45:-25 me in -- that if this is a committee -- or a plan, that

-02:-45:-231 somewhere along the line there's going to be progressive votes  
-02:-45:-162 to say, Okay, we -- we're -- this is our recommendation on X,  
-02:-45:-093 Y, and Z, but this is our recommendation on X, Y, and Z so the  
-02:-45:00 4 planning department is clear as to how they come up with the  
-02:-44:-575 overall -- their overall recommendations.

-02:-44:-496 VICE CHAIR COURSON: Once again, we're -- the  
-02:-44:-477 motion's been made regarding an advisory opinion --

-02:-44:-438 MEMBER GADARIAN: Yes.

-02:-44:-429 VICE CHAIR COURSON: -- and -- and only that, not to  
-02:-44:-400 the --

-02:-44:-401 MEMBER GADARIAN: Yes.

-02:-44:-402 VICE CHAIR COURSON: -- procedural workings of --

-02:-44:-403 MEMBER GADARIAN: How do you have --

-02:-44:-414 VICE CHAIR COURSON: Yes, that's correct.

-02:-44:-405 MEMBER GADARIAN: But, yeah, so discussion and  
-02:-44:-406 voting would be broad enough to include all of the --

-02:-44:-407 MEMBER WEISS: The reason why I didn't -- I didn't  
-02:-44:-418 mean to interrupt. The reason why I didn't include voting  
-02:-43:-409 because there's 13 members and, to me, a -- it's going to be  
-02:-43:-420 on the entire West Maui Plan, I don't think they're like a  
-02:-43:-421 planning committee that people bring --

-02:-43:-422 VICE CHAIR COURSON: Right.

-02:-43:-423 MEMBER WEISS: -- projects. Unless I got that  
-02:-43:-424 wrong, then -- that people bring projects to. You're talking  
-02:-43:-425 about the overall West Maui from Nakalele to the Pali Tunnel,



-02:-43:-231 not necessarily people coming and advocating for certain  
-02:-43:-192 projects. I just thought if there's a -- if they are talking  
-02:-43:-133 about an area where West Maui Land owns, that that needs to be  
-02:-43:-064 disclosed. But out of 13 members, I don't see where one  
-02:-43:-025 vote's going to push it either way.

-02:-42:-596 VICE CHAIR COURSON: Yes. The motion that has been  
-02:-42:-577 submitted and is under consideration simply for an advisory  
-02:-42:-538 opinion.

-02:-42:-529 MEMBER WEISS: Correct.

-02:-42:-510 VICE CHAIR COURSON: And let's -- let's maintain our  
-02:-42:-471 discussion --

-02:-42:-462 MEMBER WEISS: Yes.

-02:-42:-453 VICE CHAIR COURSON: -- just on the motion as it has  
-02:-42:-414 been submitted.

-02:-42:-475 Is there any further questions or comments regarding  
-02:-42:-446 the motion that's been submitted?

-02:-42:-417 MEMBER WEISS: No.

-02:-42:-418 VICE CHAIR COURSON: It's been moved and seconded.  
-02:-42:-419 Having heard no further questions or discussion, the question  
-02:-42:-420 is being called. All in favor?

-02:-42:-421 (Response.)

-02:-42:-422 VICE CHAIR COURSON: Opposed?

-02:-42:-423 (No response.)

-02:-42:-424 VICE CHAIR COURSON: Passed unanimously. Thank you.  
-02:-41:-425 And thank you, again, very much, Mr. Payne, for your

-02:-41:-541 attendance and participation today.

-02:-41:-472 Moving on to Item f, page 3 of your agenda, would be  
-02:-41:-413 lobbyist registration and the chair will entertain a motion to  
-02:-41:-264 acknowledge receipt of the lobbyist registration.

-02:-41:-185 MEMBER CURTIS: So moved. Bill.

-02:-41:-146 VICE CHAIR COURSON: Thank you, Bill.

-02:-41:-137 It's been moved, is there a second?

-02:-41:-088 MEMBER WEISS: David. Second.

-02:-41:-069 MEMBER GADARIAN: Second.

-02:-41:-150 VICE CHAIR COURSON: Moved and second. Thank you.

-02:-41:-131 Is there any discussion?

-02:-40:-192 (No response.)

-02:-40:-183 VICE CHAIR COURSON: If not, the chair will call for  
-02:-40:-164 the question. All in favor of acknowledging receipt of the  
-02:-40:-155 lobbyist registration as submitted?

-02:-40:-126 (Response.)

-02:-40:-117 VICE CHAIR COURSON: Okay. Opposed?

-02:-40:-118 (No response.)

-02:-40:-119 VICE CHAIR COURSON: None? Unanimously passed.

-02:-40:-20 The following three items I'd like to address --  
-02:-40:-21 acknowledge receipt of all of these next three items together,  
-02:-40:-22 if that's a --

-02:-40:-23 MR. MURAI: That's fine.

-02:-40:-24 VICE CHAIR COURSON: If that would be acceptable,  
-02:-40:-25 Counsel, we can acknowledge receipt of all three items

-02:-40:-101 together. And you have received notice of these -- of these  
-02:-40:-012 three items from Mr. Clay, the president. Is there any --  
-02:-39:-553 well, first, the chair will acknowledge receipt of -- a motion  
-02:-39:-504 to acknowledge receipt of these three letters.

-02:-39:-465 MEMBER CURTIS: So moved. Bill.

-02:-39:-406 VICE CHAIR COURSON: Thank you, Bill.

-02:-39:-387 Is there a second?

-02:-39:-368 MEMBER GADARIAN: Second. Sara.

-02:-39:-339 VICE CHAIR COURSON: Thank you, Sara.

-02:-39:-270 Is there any further discussion?

-02:-39:-241 (No response.)

-02:-39:-222 VICE CHAIR COURSON: If not, all in favor of  
-02:-39:-203 acknowledging receipt?

-02:-39:-144 (Response.)

-02:-39:-125 VICE CHAIR COURSON: Opposed?

-02:-39:-096 (No response.)

-02:-39:-067 VICE CHAIR COURSON: That's unanimously.

-02:-39:-068 Item No. 6, Announcements: None.

-02:-38:-099 Number 7: The next meeting date is January 8, 2020,  
-02:-38:-020 at 12:30 p.m. here in the planning conference room.

-02:-38:-021 And the chair will now entertain a motion to adjourn  
-02:-38:-022 the regular session --

-02:-38:-023 MEMBER GADARIAN: Sorry.

-02:-38:-024 VICE CHAIR COURSON: Yes, Sara.

-02:-38:-025 MEMBER GADARIAN: It says to discuss next meeting

-02:-38:-141 business.

-02:-38:-132 VICE CHAIR COURSON: Thank you, Sara. To discuss  
-02:-38:-113 next meeting business. Sara, do you have an item to discuss  
-02:-38:-054 for business?

-02:-38:-035 MEMBER GADARIAN: Yes. At the last meeting it was  
-02:-37:-586 recommended that we have a -- start a discussion toward  
-02:-37:-507 appointing, perhaps, a special committee to come up with a --  
-02:-37:-428 general advisory on gifts. We discussed this -- we received  
-02:-37:-349 information from the state board of ethics on their  
-02:-37:-230 recommendations and I believe the idea was that this be  
-02:-37:-171 scheduled to a meeting.

-02:-37:-152 MR. MURAI: So, Sara, it sounds to me like you're  
-02:-37:-103 asking that we place on the agenda --

-02:-37:-174 MEMBER GADARIAN: Yes.

-02:-37:-165 MR. MURAI: -- for next meeting the formation of a  
-02:-37:-116 temporary interactive group for the purpose of producing a  
-02:-36:-147 guideline on acceptance of gifts.

-02:-36:-198 MEMBER GADARIAN: Yes. Thank you.

-02:-36:-169 VICE CHAIR COURSON: Thank you, Counsel, for voicing  
-02:-36:-240 that.

-02:-36:-241 Any other business items to be placed on the agenda  
-02:-36:-262 for the next meeting?

-02:-36:-223 (No response.)

-02:-36:-224 VICE CHAIR COURSON: If not, the next meeting, then,  
-02:-36:-225 is scheduled for January 8, 12:30 p.m., and the chair will

-02:-36:-211 entertain a motion to adjourn the regular session and  
-02:-36:-182 reconvene to executive session.

-02:-36:-153 MEMBER PHILLIPS: So moved.

-02:-36:-134 VICE CHAIR COURSON: Thank you, Rachel.

-02:-36:-115 Is there a second?

-02:-36:-096 MEMBER GADARIAN: Second. Sara.

-02:-36:-047 VICE CHAIR COURSON: Moved and seconded. All in  
-02:-36:-018 favor?

-02:-36:00 9 (No response.)

-02:-36:010 VICE CHAIR COURSON: Opposed?

-02:-35:-171 (No response.)

-02:-35:-162 VICE CHAIR COURSON: None. Adjourned. (Gavel.)

-02:-35:-143 And we'll have a five-minute recess before we convene to  
-02:-35:-144 executive session.

-02:-35:-145 MEMBER GADARIAN: The time.

-02:-35:-146 VICE CHAIR COURSON: Thank you so much and it's  
-02:-35:-147 adjourned at 1:56 p.m.

-02:-35:-148 MEMBER GADARIAN: Thank you.

-02:-35:-149 VICE CHAIR COURSON: Thank you, Sara.

-02:-35:-20 (Pause in Proceedings: 1:56 p.m.-2:06 p.m.)

-01:-10:-21 VICE CHAIR COURSON: The chair calls to order the  
-01:-10:-22 regular session of the board of ethics. And at this point in  
-01:-10:-23 time the chair would just like to -- the acting chair, the  
-01:-10:-24 acting chair, I want to make that very, very clear, I am not  
-01:-10:-25 the chair. The acting chair would like to say a big mahalo

-01:-09:-531 nui loa to you as commissioners for the privilege and honor of  
-01:-09:-482 being allowed to serve with you on the Maui County Board of  
-01:-09:-413 Ethics. As I stated earlier, less than 48 hours ago I was  
-01:-09:-354 departing Vanuatu, the most primitive country in the world,  
-01:-09:-275 where I've been working the last several years with some of  
-01:-09:-216 the most primitive tribes. People, in fact, in such remote  
-01:-09:-157 areas that these tribal peoples have never seen a bicycle,  
-01:-09:-098 they've never seen a car, never seen a truck, never seen a  
-01:-09:-049 wristwatch. They know about these things, but they've never  
-01:-09:010 seen them. And it's been a privilege and a joy the last few  
-01:-08:-161 years to help establish schools and to provide clean drinking  
-01:-08:-112 water for these people of Vanuatu.

-01:-08:-183 Related to that, I just informed our counsel and  
-01:-08:-144 Cory that my wife and I will be relocating to the mainland  
-01:-08:-155 because of my representing this country in various speaking  
-01:-08:-106 engagements and so forth and so on. My heart is broken  
-01:-08:-147 because I'm leaving the land that I love. I love Hawaii.  
-01:-08:-198 It's been a privilege to teach at the University of Hawaii at  
-01:-08:-119 Manoa prior to moving to Maui 17 years ago and it's been a  
-01:-08:-200 privilege to serve with you as a member of the Maui County  
-01:-08:-221 Board of Ethics. My prayers will be with you. What an honor  
-01:-07:-262 it is to serve in the best county in America and I believe the  
-01:-07:-203 best run county in America as well.

-01:-07:-264 MR. MURAI: What a loss for us.

-01:-07:-245 MEMBER GADARIAN: Yes, yes.

-01:-07:-411 MEMBER WEISS: The best to you and your wife.

-01:-07:-352 MEMBER GADARIAN: Yes.

-01:-07:-343 VICE CHAIR COURSON: You will be -- you will be in  
-01:-07:-324 our hearts.

-01:-07:-305 MR. MURAI: Well, you know what David deprived us  
-01:-07:-276 of? He deprived us of the opportunity to give him a proper  
-01:-07:-227 sendoff.

-01:-07:-208 MEMBER LEWIS: Yeah.

-01:-07:-199 MR. MURAI: You know, normally, we -- you know, at  
-01:-07:-170 our next meeting, we'd, you know, give him a lei and a  
-01:-07:-141 certificate.

-01:-07:-122 MEMBER LEWIS: Yeah.

-01:-07:-113 MR. MURAI: And I don't know, Cory, he'll still get  
-01:-06:-114 a mayor's certificate, right, and we can mail --

-01:-06:-115 MS. VICENS: We can. And David informed me that  
-01:-06:-116 they're not leaving until January, so maybe we can invite him  
-01:-06:-117 to the beginning of our meeting in January.

-01:-06:-118 MR. MURAI: Well, he might be real busy, but, you  
-01:-06:-119 know, at least -- at a minimum we'll need a mailing address.

-01:-06:-120 VICE CHAIR COURSON: I've already communicated with  
-01:-06:-121 Cory. So enough personal things, but I just want to say thank  
-01:-06:-122 you, what a great group you are and what a wonderful --  
-01:-06:-123 there's no question, this is the best county in the United  
-01:-06:-124 States by far. It's a special place in my heart. We'll be  
-01:-06:-125 here -- we'll be back again, but thank you gain for this

-01:-06:-041 privilege of serving.

-01:-06:-022 The chair will now entertain a motion to adjourn  
-01:-05:-583 general session.

-01:-05:-554 MEMBER WEISS: Well, without it, you just have to  
-01:-05:-505 stick around.

-01:-05:-496 (Laughter.)

-01:-05:-497 MEMBER GADARIAN: We have an item of business.  
-01:-05:-478 Sorry.

-01:-05:-469 VICE CHAIR COURSON: We do, Sara?

-01:-05:-420 MEMBER GADARIAN: Yes. That it's necessary for us  
-01:-05:-321 to ratify the decisions made in executive session.

-01:-05:-362 VICE CHAIR COURSON: Oh, thank you, Sara.

-01:-05:-323 MEMBER GADARIAN: So I move.

-01:-05:-304 VICE CHAIR COURSON: Thank you, Sara.

-01:-05:-285 MEMBER GADARIAN: So moved.

-01:-05:-266 MEMBER CURTIS: Second.

-01:-05:-247 VICE CHAIR COURSON: Second. Moved and seconded.  
-01:-05:-228 All in favor?

-01:-05:-229 (Response.)

-01:-05:-220 VICE CHAIR COURSON: Any discussion?

-01:-05:-221 (No response.)

-01:-05:-222 VICE CHAIR COURSON: Passed unanimously. I think  
-01:-05:-223 that got that out of order a little bit. It passed  
-01:-04:-224 unanimously.

-01:-04:-225 All right, at this time -- thank you, Sara.



-01:-04:-531                   At this time the chair will entertain a motion to  
-01:-04:-502                   adjourn.

-01:-04:-473                   MEMBER PHILLIPS:    So moved.

-01:-04:-464                   VICE CHAIR COURSON:  So moved.    Second?

-01:-04:-425                   MEMBER CURTIS:     Second.

-01:-04:-406                   VICE CHAIR COURSON:  All in favor?

-01:-04:-407                   (Response.)

-01:-04:-378                   VICE CHAIR COURSON:  (Gavel.)  Adjourned.

-02:-39:-249                   (The proceedings were adjourned at 2:08 p.m.)

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