

COUNCIL CHAIR'S MEETING

Council of the County of Maui

MINUTES

June 8, 2020

Online Only via BlueJeans

CONVENE: 11:11 a.m.

PRESENT: Councilmember Alice L. Lee, Council Chair
Councilmember Keani N.W. Rawlins-Fernandez, Council Vice-Chair, and Chair,
Economic Development and Budget Committee
Councilmember Tasha Kama, Presiding Officer Pro Tempore, and Chair,
Affordable Housing Committee
Councilmember Riki Hokama, Chair, Healthy Families and Communities
Committee
Councilmember Kelly Takaya King, Chair, Climate Action and Resilience
Committee
Councilmember Michael J. Molina, Chair, Government, Ethics, and
Transparency Committee
Councilmember Tamara Paltin, Chair, Planning and Sustainable Land Use
Committee
Councilmember Shane M. Sinenci, Chair, Environmental, Agricultural, and
Cultural Preservation Committee
Councilmember Yuki Lei K. Sugimura, Chair, Multimodal Transportation
Committee

STAFF: Traci N. T. Fujita, Director, Office of Council Services
David M. Raatz, Supervising Legislative Attorney
Tammy M. Frias, Supervising Committee Secretary

CHAIR LEE: . . .*(gavel)*. . . Well, according to what I see on my screen. So . . .we will start with Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR LEE: Aloha. And then we have our representative from Hana, Shane Sinenci, Councilmember.

COUNCILMEMBER SINENCI: Aloha awakea, Chair.

CHAIR LEE: Hi. I should, I should start with mine first. Oh wait, wait, wait, Mike Molina is calling. . . .*(cell phone ring is heard)*. . . Hi, Mike.

COUNCILMEMBER SUGIMURA: . . .*(laughter)*. . .

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CHAIR LEE: We're just starting. No, triple seven? No, no, it's supposed to be like three, six, four – something, something. You didn't get it?

VICE-CHAIR RAWLINS-FERNANDEZ: . . .364846813. . .

CHAIR LEE: Okay, wait, wait, wait, try—wait, wait, wait, write this down, 364. . .

VICE-CHAIR RAWLINS FERNANDEZ: . . .846. . .

CHAIR LEE: . . .846. . .

VICE-CHAIR RAWLINS-FERNANDEZ: . . .813.

CHAIR LEE: . . .813. Yeah. Yeah, sorry, okay, okay, bye. . .bye. I wonder if Tasha's on the wrong one, too. Okay. We'll start all over and give them chance. Okay, I was going to say this morning, good morning in Western Apache. Okay. The other week I told you good morning in Eastern Apache, so this is Western Apache. Now the Apaches are from Arizona, New Mexico, Colorado, Texas, Oklahoma. So, Western Apache say ya'ateh, ya'ateh, and that's good morning. So, hana hou, Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Ya'ateh and aloha awakea, Chair, from Molokai.

CHAIR LEE: Thank you. Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha ia a ke tatou.

CHAIR LEE: . . .*(chuckle)*. . . I just love it. Okay, good morning. From the South side, Councilmember Kelly King.

COUNCILMEMBER KING: Aloha, ya'ateh. I wrote it down and it looks like ya ate. . . .*(chuckle)*. . .

CHAIR LEE: . . .*(chuckle)*. . . Yeah, that too. And then we have from the West side, Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha awakea kakou. Sorry, I brought the charger but not the little block, so I'm seeing you guys from my phone.

CHAIR LEE: Oh, okay, very good. Welcome aboard. Oh, now we have from the neighborhood Councilmember Tasha Kama.

COUNCILMEMBER SUGIMURA: Oh good.

CHAIR LEE: Tasha--

COUNCILMEMBER KAMA: Aloha, aloha awakea, Chair. Thank you for waiting for me, everyone, I appreciate that.

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CHAIR LEE: Okay. And from Upcountry, Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, I'm in the building. It's very unusual being back here. But, hello, everybody.

CHAIR LEE: Oh, okay, thank you. And then from the Island of Lanai, Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: From my Navajo brothers, this is what I learned, yatahey!

CHAIR LEE: Hey!

COUNCILMEMBER KAMA: Yatahey!

CHAIR LEE: All right. . .and then from Makawao, Paia and Haiku, we have our dear friend Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Hey, good morning, Madam Chair and my colleagues and everyone from the wonderful, beautiful sunny side country of Makawao.

COUNCILMEMBER KAMA: Woo, yes!

CHAIR LEE: Very good, everybody's in a good mood. Now, let's hope we stay that way.

COUNCILMEMBER KAMA: . . .*(chuckle)* . . .

CHAIR LEE: Okay, now let's, let's get through this.

1. **EXECUTIVE SESSION PROCEDURES** (Chair Lee)

CHAIR LEE: First item is executive session procedures. Now, one of the reasons why I put this on the agenda is in case we have the need for executive session in any committee, doesn't matter which committee, any committee. It is very likely that we will be working remotely for now and for now means I don't know. Could be July, could be August, could be beyond that. Who knows? Especially now people are starting, I think, to get a little bit careless and, and not use the protection, the face protection and they're not careful about social distancing. So I'm, you know, I'm, I'm afraid that perhaps we might have little surges here and there. So we have to be careful. I have David on the line, David Raatz, to give us some information on executive session procedures. David, maybe you could go over that. Tell us what our options are, perhaps, our requirements and then our options. David.

MR. RAATZ: Sure. Thank you, Chair and good morning, everyone.

CHAIR LEE: Good morning.

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MR. RAATZ: So, as you'll recall at the GET meeting last week, there was a question about the best means of sharing confidential documents that are to be discussed in executive session. Our concerns are to make sure that we adhere to the Charter requirements, the ethical duty to maintain confidentiality of such documents, and also ensure that all Members are treated equally with regard to access to the confidential documents. So, the model that the GET Chair had envisioned was to provide a screen share of confidential documents during executive session. Subsequent to the GET meeting Mr. Mitchell had a conversation with the Office of Information Practices and essentially the outcome of that discussion was that screen sharing is an appropriate means of sharing confidential documents in session via video conference, and the recommendation was to ensure that all Councilmembers participating in the executive session have an equal ability to, to read all the pages of the documents and just to methodically go through each page. So if there's any further questions about the screen share option, Mr. Mitchell can provide more details based on the conversation he had with an OIP Staff Attorney. There's also the model that the Department of the Corporation Counsel has been using for the Boards and Commissions that it provides staffing assistance to and that's mailing documents via certified mail or some other means where you can guarantee that the person receiving the documents is the only person that is supposed to have access. So, U.S. Postal Service is another option. There's also the option that the Council Vice-Chair brought up during GET, providing electronic transmittal of confidential documents via password protection and a software system that would ensure that the documents aren't downloaded or maintained outside of the executive session. I don't have personal experience with that software, but I understand Mr. Mitchell has used that in his prior practice and that, that could be a viable option as well. So, those are the three main options that we're aware of and with direction from the body we're happy to proceed along any of those lines. Thank you.

CHAIR LEE: Thank you. Mr. Hokama, then Ms. King, then Ms. Sugimura. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. Thank you, Chair. Mr. Raatz, thank you. I just was. . .I wanted to follow-up on your comments when you said the Members can screen share. That would only be for the open portion of the meeting, that has nothing to do with the executive session? Or we can have screen share in executive session? I'm just trying to get some clarification, please.

CHAIR LEE: Mr. Raatz.

MR. RAATZ: Yeah. Thank you, thank you for the question. Sorry, I wasn't clear. I'm talking about executive session and it would be Staff who has access to the document, sharing the screen for the benefit of all the Councilmembers who are participating.

COUNCILMEMBER HOKAMA: Okay. So, Mr. Raatz, then we would then. . .so we would technically leave the open meeting, reinsert a new code to enter into an executive session meeting that is only controlled and allowed by Members and appropriate Staff. Then when the Chair adjourns it, we go reconnect back to the other code for the open meeting. That's how you're envisioning it?

MR. RAATZ: Yes, that's correct.

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COUNCILMEMBER HOKAMA: Okay, thank you. I'm clear. Thank you, Chair.

CHAIR LEE: Thank you. Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks, David, for being here. My thought is rather than screen sharing because everybody reads at different speeds and not everybody is going to want to. . .some of us might want to go back to page 1 and we're on page 5, or something. So, if we're in the office. . .and I understand that you can send documents to. . .like you can send to Keani, you can send to Shane. But if we're in the office, wouldn't it just, it be just as easy to come into our office and bring the documents to whoever's in the building and so that we can actually have them in front and flip through them and go back and forth as we need to. . .rather than--I don't know, I mean the screen share to me is very limiting because everybody's gonna be focused on different parts of the document and reads at different speeds.

CHAIR LEE: Mr. Raatz.

MR. RAATZ: Thank you. Yeah, thank you, Councilmember King, for the question. With the body's approval that's, that's another possible means of distributing the documents. There was some discussion at GET about fairness to Members who don't have easy access to the County Building, but that would be probably the major concern with that option.

COUNCILMEMBER KING: Well, for me, you know, if you're going to send documents to people outside of the building, then this would equalize it out for the those of us in the building. It's just everybody should have the documents at the same time, I think is the concern, and I have no problem with sending documents to Councilmembers who, you know, can't be here in the building or be on Maui because we're Councilmembers and I think we can be trusted with those documents. But I just, I would have a problem with. . .I mean I think screen sharing is just as risky because you don't know who else is in--I mean if you don't trust somebody, you don't trust them, and there could be other people in the room or there could be other people looking at the screen from somewhere. So to me the best way to get those documents in front of us is to mail it to whoever can't be at the meeting and then bring it to those of us who can. Then we all have the hard copy in front of us. That would be my input. Thank you.

MR. RAATZ: Thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I think my questions were discussed by Mr. Hokama. And I like the idea of mailing or, you know, us being in our offices 'cause I thought that was the intent when we had Mr. Molina's meeting with GET because we're all here if we needed to be. So whatever you come up with I know you're gonna make sure it is, you know, the most secure way of doing it and it'll satisfy the needs and different requirements for, you know, the various Members. So, thank you for your update.

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MR. RAATZ: Thank you.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just wanna weigh in my thoughts. I can agree with Member King as an equalizer, if Members want the document in hand, we can. . .for those Members who unable to or prefer not to come back to the Chambers but, you know, you can either screen share or get the documents in the mail. And then for those Members that want to come into the Chambers, Staff can hand-carry that document to them, then take it back. So, again, some Members may want to look at the hard copy in hand or they're fine with screen sharing, either way, but I can agree with Member King as one way to equalize it for those who have a preference to come into the Chambers. So, I'm fine with that. The only question for me though is how soon can we receive the documents? Like for example, if Keani's gonna receive the document 24 hours in advance then, then those Members, then access to those documents should be around, on or about the same time as any Members that are working remotely. So, that would be my question, you know, do we establish a policy as far as how soon, you know, a minimum requirement at least? If one Member's gonna get it 24 hours in advance, then all Members should have access to the documents at the same time. . . . *(background noise)* . . .

CHAIR LEE: Questions? Ms. Paltin? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you. Can you hear me?

CHAIR LEE: Yes--

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: --and we can see you.

COUNCILMEMBER PALTIN: Oh, right on. So I just was wondering did anything come out of that. . .the secured e-mail that was available for only a certain amount of time. . .if that was an option?

CHAIR LEE: Mr. Raatz?

MR. RAATZ: Thank you, Councilmember, for the question. We just had internal discussions on that option and according to Mr. Mitchell who's used that in a prior setting, that would be viable. We would have to go through a procurement process to purchase the necessary software and if we're directed to do so, we'd be happy to pursue that.

COUNCILMEMBER PALTIN: And then one other question if that's okay?

CHAIR LEE: Yes, go ahead.

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COUNCILMEMBER PALTIN: I believe I heard that Molokai Planning Commission had an online executive session and did they not encounter this problem because there weren't any documents to hand out? Or do we not know anything about it?

CHAIR LEE: Mr. Raatz? I don't know. Mr. Raatz, you know anything about that?

MR. RAATZ: I don't think we specifically know about Molokai Planning Commission. We received guidance from Corporation Counsel regarding the Police Commission and they used the mailing option for those Members.

COUNCILMEMBER PALTIN: So they just mailed everybody on the Police Commission the documents and then when they were done they said shred 'em or burn 'em or something?

MR. RAATZ: I believe they asked them to mail the documents back and that's what we would envision. We would probably send out a pre-stamped envelope and suggest that the documents be mailed back the following day.

COUNCILMEMBER PALTIN: Okay, thank you.

MR. RAATZ: Thank you.

CHAIR LEE: Okay, so Mr. Raatz, she's talking about a separate, like another option of a special e-mail address? So the items could be e-mailed, Mr. Raatz?

MR. RAATZ: I believe that's the option that the Council Vice-Chair mentioned in Committee last week and I, I see she's raising her hand.

CHAIR LEE: Okay, all right, thank you. Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS FERNANDEZ: Mahalo, Chair. Okay. So I, I understand that there are three options on the table as Mr. Raatz pointed out: screen share, mailed, or hand-delivered and an e-mail, as I suggested in the GET meeting last week. Screen share, as everyone agreed, is not a good idea. I also agree it's a terrible idea. Two, mailed, hand-deliver. So when we look at the criteria that we're talking about, we're talking about fairness, access at the same time, safe from other people's view, protected from the public, that. . .and, and the solution is to mail it and I guess give instruction to what time you would open it, everyone would open it at the same time, and then we would mail it back. It's not foolproof because if I wanted to I could make a copy of it and I could have a copy of it. So I mean, that's. . .it's an okay idea. But if we were to have had hard copies, I think everyone should have hard copies. And then the same thing with e-mail. So if we're gonna have an electronic copy, I think everyone should have an electronic copy to maintain fairness. So not some people would have a hard copy and some people would have electronic copy, everyone would have the same and that would maintain that equity. So, I feel a lot of resistance to technology and I know that online, this online meeting would've *never happened* if we hadn't had a pandemic. So I, I am very familiar with the resistance to embracing technology and I'm going to again, you know, beg you all to embrace, be a little more open to what we have. And

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then I know Member King, you know, also said she received bank documents or CPA documents, tax documents that she received that were password protected. I can do the work. I can ask my CPA for what software they used and how much it costs if that is what it's gonna take, I'll do that work, and that would allow everyone the same time so you would get the password same time. So none of us who could be cheaters would be able to go and look at the document before anyone else, okay, 'cause I don't know who doesn't trust us, but I trust all of you to say that if we're gonna set a time at 9:30 and we're all gonna open at the same time, I would give you the password before. But I don't know. . .I, I guess some people don't trust us as Councilmembers. And then, you know, it would, it would. . .we would just have a safe room where we'll be looking at it and no one else will be looking at it, and it will be protected from the public and it would be fair for all the Councilmembers. And. . .last point is I want to push back on the idea that I'm preferring not to fly to Maui. Again, it's not a preference. As Dr. Miscovich told us in the EACP meeting, that the way that they're going to be opening up the County is people from out-of-state would be flying in and they possibly wouldn't be tested until they get to the final destination, which would be on Maui. And so, I could potentially be on a plane with someone who could be carrying the virus and then I catch the virus and then I bring it home to my grandma, my mom, my husband and my two children. And so it's, it's not like, you know, like just a preference, it's, it's a risk that I'm not willing to take. So, I just wanted to make that point again. Mahalo, Chair. So if we're informally voting, I would vote for the documents to be e-mailed to us and I will do the work to find that software so that we can go through the procurement process. I can start doing that today. Okay, mahalo, Chair.

CHAIR LEE: Okay, other comments. Ms. Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I agree with our Vice-Chair that when you look at all the options that we talked about earlier this morning, it makes sense that it's fair, it's open, we all get it, and we have to trust each other. So thank you, Chair.

CHAIR LEE: Any other comments? No? Do we. . .is there a consensus on this e-mailing, electronic? Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. I just, I'm consensus on the electronic. I just don't understand why Vice-Chair Rawlins-Fernandez would have to procure it? I thought the Staff said if we vote for it, then they would pursue procurement. So if we vote for it, then they would procure it and she doesn't have to?

CHAIR LEE: Any comments, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS FERNANDEZ: . . .*(unidentified background noise)*. . . Mahalo, Member Paltin. Mahalo, Chair. Yeah. . .I, I just try to. . .*(inaudible)*. . .

CHAIR LEE: There's some background noise, somebody.

VICE-CHAIR RAWLINS FERNANDEZ: Yeah. . .so as I mentioned from the very beginning of us embracing technology and moving to an online venue, that however I can be helpful, because it's something that I'm advocating for, I am more than happy to help in whatever

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way possible. I'm writing an e-mail to my CPA who does my taxes right now to find out what software she uses and then I can get that as a starting point. And, yeah, and then if we vote on it then Staff, you know, could complete the procurement process so that I wouldn't have to, but I'm happy to help point Staff in the right direction. Mahalo, Member Paltin.

CHAIR LEE: Any other comments? Yes, Mr. Sinenci, then Ms. King.

COUNCILMEMBER SINENCI: Thank you, Chair. I like when we used this particular method with the Amendment Summary Forms. The Budget Chair [sic] would just okay, we're gonna be sending you the ASF right now so everybody gets it at the same time. So, I think it worked during that process. My question was if it was a secured, would we be able to print it or it would just be on an e-mail for, for a limited time, that we could only see it from here to there and then it'll somehow be taken off? Or is that what we're looking for if. . .are those types of programs, do they have that, that much security on them?

CHAIR LEE: Mr. Raatz, you have a response?

MR. RAATZ: Thank you, Chair and Councilmember Sinenci. I do believe there are programs that will allow only for electronic viewing so you can't print or download. So, I mean that would probably be the most secure form. It may not be the most convenient. So we would defer to the body's preferences, I think.

COUNCILMEMBER SINENCI: Okay, I'd like that, that security. Thank you. Thank you, Chair.

CHAIR LEE: Ms., Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I would support either way, but I just want to point out that having a hard copy in front of you while you're in the meeting is sometimes easier to flip through while you're talking on the meeting. If you have an electronic copy you have to make, everybody has to make sure they have two devices, I think, so that you have one device that you're looking at the document on and then you're in the, while still being on the meeting. And I, I had a couple incidents during the budget thing where we were addressing a Budget Summary Form that I hadn't quite gotten yet and the conversation kept going on, and so I was trying to get it and then I was trying to print it so I could look at it while everyone was talking about it. So that. . .so I think we, we would just need to make sure that everybody has whatever devices and access they need to be able to look at both at the same. . .you know, be in the meeting and, and look at the document on some other device or, you know, flipping back forth is really difficult and I've actually gotten dropped off before from doing that. So if, if we can work it out, I prefer electronic because I think we can save a lot of trees that way. But if, if everybody doesn't have the same access, then that could be an issue. So, I just wanted to bring that up.

CHAIR LEE: Thank you. Mr. Molina.

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COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Question for Mr. Raatz, you know with regards to I guess was the Police Commission where they mailed the documents out, did they mail them out at the time the agenda gets posted which I presume is, you know, six days before? Because if we're gonna go, agree to a rule where it has to be received by a Member, by within. . .at 24 hours, I mean what assurances--I mean personally I think if we're gonna send documents out, we send it out at the time of posting so we may end up getting it, you know, 48 hours, 72 hours in advance if we go. Any comments, Mr. Raatz, on that as far as what Police Commission did?

MR. RAATZ: Thank you, Chair. I'm sorry, I'm not clear on, on the timing of when they did their mailout.

COUNCILMEMBER MOLINA: And then another issue is like, okay, if we're gonna open it up at the meeting, then I guess we all gotta unseal the documents on, you know, BlueJeans, show everybody. . .but even that not assured. I mean what if somebody you know, somebody could easily reseal it, but I guess just we gotta go by scout's honor and assume that it was sealed and we all open up the documents at 9:00 at the start of the meeting or 1:30, whatever. So, how do we, you know, determine that's the appropriate protocol? So, that's kind of where I'm at on this.

CHAIR LEE: Ms. Rawlins-Fernandez and then Mr. Sinenci. Ms. Rawlins [*sic*].

VICE-CHAIR RAWLINS FERNANDEZ: Mahalo. I, I wanted to add some information because with PSLU. . .Member Paltin did have Staff print out documents for any Councilmembers' office that requested and Ms. Balala did put it in the mail at posting, on the day of posting, and I didn't get it until the day after. So, just to let you know like that, that's how it, it came, the day after the meeting. I didn't even have the documents in hand at the meeting. And so that, that's one of my concerns, actually, not that I would get it too soon but that I would get it too late, that I wouldn't get it at the time of the meeting. And so this is not a hypothetical, this actually happened last week. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci, Ms. Sugimura, Ms. Paltin.

COUNCILMEMBER SINENCI: No comments, Chair. That was just my Scout's Honor.

CHAIR LEE: Oh, okay. . . .(*chuckle*). . . Okay, Ms. Sugimura, Ms. Paltin.

COUNCILMEMBER SUGIMURA: You know. . . (*clears throat*). . .there's a way of doing it digitally 'cause our stockbroker does, sends us information and, you know, so there's a way of doing it. And then I think to open it you have to use a certain password, and I don't know about what Mr. Raatz is talking about in terms of timing so that it's only a certain time. . .because our stockbroker, he sends it, he sends us information but only to us, I don't think anybody else gets it. So there's some security in e-mail, but I'm not sure about somebody, you know, like hacking my e-mail, I mean I'm not that digitally or technology-savvy. But I'm sure, you know, Mr. Raatz, in what you're saying that there's ways of getting special software. But, that's all. I think it's all doable.

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CHAIR LEE: Okay, just a comment, Ms. Sugimura, that Mr. Raatz, I don't think, is advocating any particular option. He's just telling us which options are out there, yeah. Okay, Ms. Paltin.

COUNCILMEMBER SUGIMURA: I agree. I'm just saying that of the choices that that's, you know, one of the choices is a good choice.

CHAIR LEE: Okay, very good. Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I just wanted to point out for the PSLU, that was kind of a difficult one because we didn't have access to printers. So we didn't even actually be the ones to print that out and then we were trying to get addresses to send it out, my Staff, and we didn't. . .weren't able to get the addresses and so it was a big cluster situation where. . .actually I think the Planning Department was the one that printed it out for us because they didn't realize that the OCS had a no-print rule and I was trying to get. . .I didn't have any ink, or it wasn't a normal situation where we had support of OCS to get the documents to people. We were just trying to get hard copies to people 'cause we didn't want anyone to show up to the meeting and didn't read the materials 'cause. . .but I mean then testimony took up pretty much the entire meeting anyway, so in a way it worked out. But if, if we had. . .knew before ahead of time all of the obstacles, we could've get it there on time, but it was because we didn't realize, at first we didn't realize that OCS wouldn't print it out. Then when we asked for the applicant for a copy, they didn't know what they wanted a copy, what we wanted a copy of. And then the Planning Department said they'll make us copies, but then to get from them to the building was another situation where we had to try and ask someone a favor to get the documents from the Planning Department to the boxes. And, so I mean it wasn't, it wasn't a cohesive plan, it was just a kind of fly by the seat of our pants figuring out like, oh, we can't do that. Can we do this? Can we do that? And so I would hope that with executive session documents it wouldn't be like that, you know, where OCS would be the ones taking the lead on it and not us trying to facilitate it without knowing what is allowed and what isn't allowed, and what help we can get and what help you don't get and asking personal favors. . . *(chuckle)*. . . So just, just my explanation of how that went down. It wasn't a coordinated effort as I would've hoped it would be, but I'm not trying to blame anyone, just explaining the process of how it came to be.

CHAIR LEE: Yeah.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Okay, before I call on you, Vice-Chair Rawlins-Fernandez, just wanna remind everybody that our Staff is not fully present at the building anymore and they probably will not be for months, if ever at all. So because we have these new circumstances we have to. . .that's why the electronic means is probably very attractive because it requires less labor, yeah? And so that's one of the issues and challenges we all face going forward. Okay, Ms. Rawlins-Fernandez, then Mr. Molina.

VICE-CHAIR RAWLINS FERNANDEZ: Mahalo, Chair. I echo what you just said that the, the hurdles and the barriers and the challenges that Member Paltin experienced with your

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office is also what OCS is experiencing because of what Chair just said, that they're not all at the building. And so, that's why moving us fully to electronic is the direction that we're taking because of the, you know, just physically not being at the building to receive and make copies, and receive documents from Administration and etcetera, etcetera. But I, I just. . .I wanted to just quickly say that I wasn't blaming you, I was really appreciative for the hard copy. It was just I wanted to point out the timing of receiving the documents. So I...when Ms. Balala said that it was in the mail, I just assumed that it was mailed when she told me that it was mailed which was about a week. It took me about a week to get it. So no, no criticism on. . .of your office, Member Paltin, or OCS, just sharing the reality of postage and timing on receiving documents because that's the discussion. I appreciate you mailing that hard copy. Mahalo, Ms. Paltin. Mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I have a question for Mr. Raatz. If the Sunshine Law is reinstated, I'm wondering how all of this is going to be effective and, too, up at the State Legislature are they, are neighbor island Senators and representatives required to go to the State--what is it?--State House or whatever, or can they legislate using something like the BlueJeans? I just wanted to get your thoughts on that, Mr. Raatz.

MR. RAATZ: Thank you, Chair. Yeah, we are operating under a partially suspended Sunshine Law that gives us a lot of flexibility. If and when the Sunshine Law is fully reinstated, we won't be able to operate in exactly the same function that we've been operating and that we're discussing now. That said, there is a provision in the existing Sunshine Law that provides for meetings by video conference. And, if I presume that would include executive session as long as proper safeguards are in place, but we would have to consult with the Corporation Counsel and OIP to make sure that we're understanding that correctly and setting up the appropriate safeguards. For the existing Sunshine Law once it's back in full effect, video conferences do require that each location where a Board Member, to use the Sunshine Law's terminology, or Councilmember is situated has to be opened to the public. So, that is a pretty serious limitation on remote meetings. For the Councilmembers who reside in areas where there's a district office, that wouldn't be a problem, we're used to accepting testimony allowing the public. . .but for the Members in other areas, we would either have to find you a public space near where you live or you may have to come back to the Chamber at that point.

COUNCILMEMBER MOLINA: Yeah, thank you, that's a good point because I was thinking if we operate like this and the Sunshine Law is lifted, then would we have to accommodate the public to either come to our house to testify or in my case, you know, Upcountry. Member Sugimura and I, we don't have an Office of Council Services place where we could go to and the public would come. So, that's the kind of stuff I'm thinking about if the Sunshine Law is lifted and if we continue to operate in this fashion. I mean, I prefer to have the public testify elsewhere, not my house, you know. But, I guess if the Sunshine Law goes into effect, that we may be subjected to that if we operate like this with the BlueJeans. So, you know it's just some things to, to think about. So, anyway, thanks for your thoughts, David. Thank you, Chair.

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CHAIR LEE: Thank you. Did someone--oh, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. And this is, goes to our third item on the agenda, so hopefully we can, we can take care of that at the same time and we don't have to go back to that 'cause. . .I was actually glad when Councilmember Molina brought it up because that's what I wanted to discuss in the third item. But, just since you brought it up, you know, we don't have a district office in South Maui either, but for those of us on Maui it's not, it's not difficult to come into the office. But if we come into the office does that mean that we still have to offer, open up our office to the public so we have to allow people to come in and testify at our office or could they go in and testify at the Chambers since we're right next to the Chambers, you know, we have this one person there taking testifiers at the Chambers and then we're in our individual offices. Would that suffice because I've actually been through what you just described when I was on the Board of HTDC and there were a couple times when I joined the meeting by phone and I had to open up my house to potential testifiers or people who wanted to be at the meeting. I didn't have any takers, you know, luckily, so I didn't have anybody knocking on my door. But I had to make myself available and they had to be able to notice my home address in the notice of the meeting that that's where I was going to be talking from, so I understand the process. But I just wondered if we could, if we did that process and there's a district office on Molokai, there's one in Hana, there's one on Lanai, there's one in West Maui now, but for those of us of that don't have it, would we be able to use the Chambers as the, since we're in close proximity or does it have to actually be our office where we're sitting?

CHAIR LEE: Mr. Raatz.

MR. RAATZ: Thank you. Our understanding is the public would have to have access to whatever space the Councilmember is occupying.

COUNCILMEMBER KING: Okay, so wherever we're sitting? Like right now I'm sitting in my office, so I would have to be open..., we would have to be open up the hallways and let the public come in if they want to?

MR. RAATZ: That's correct.

COUNCILMEMBER KING: Okay, thank you.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And to Member King's point, we did have this discussion before the Governor suspended Sunshine Law and one of the things that we discussed was listing the 8th floor instead of individual Councilmembers' offices, so the entire 8th floor, and like you said then the doors would be open. During this pandemic I really don't think anyone's gonna wanna go to anyone's houses. So, I really don't see that as a real concern and if Members feel like that's unfair, I can list my own personal house, too. I don't have to be at the district office. And lastly, at the last Chair's meeting this is what we discussed. So, for those who left the meeting early this

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was the proposal that I gave and we talked about having a district office at. . .in all the districts. As we transition to whatever will be, that there would be a district office in all the districts for Members to be able to use, for visiting Members to be able to also use, and for Members of the public to be able to testify at. So, that's something I support if that's, you know, gonna appease people's concerns. Mahalo, Chair.

CHAIR LEE: Okay, time to move on. We can't foresee everything right now and why don't we take things a little slowly and not. . .not jump to any conclusions yet because some of these can be very expensive. So, but, then let's be flexible. Whatever comes up, we may be able to move quickly. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if we wanted to take an informal poll about starting the procurement process already since it seems like it would be. . .take longer than one day and then if we need to pull the trigger then, then we're already ready with that?

CHAIR LEE: Okay, good idea.

COUNCILMEMBER PALTIN: Or did that. . .*(inaudible)*. . .

CHAIR LEE: Well, it's possible. Let's hear from everybody first. Now, Mr. Molina.

COUNCILMEMBER PALTIN: I'm in support, just for the record.

CHAIR LEE: Okay, thank you.

COUNCILMEMBER MOLINA: Yeah. . .no, Madam Chair, I just more had an FYI for everybody. Next week, July. . .June 16, I have two items that will be. . .likely they require to go into executive session. So if the Members can give my GET Staff, maybe Mr. Raatz can give us some guidance how we want to proceed with regards to the documents. I know at our last GET meeting there was no documents distributed, but in this case there likely will be. You know as I mentioned to you, Ms. Bronster's coming over for the Bank of America thing which likely require executive session and I was just informed by Corp. Counsel there's a time-sensitive matter that will require executive session as well. So, I have two items on that agenda for next week Tuesday. So, please, you know at least we could get. . .if you could give us some guidance now as soon as possible before the meeting.

CHAIR LEE: Sure.

COUNCILMEMBER MOLINA: And we do post on the 10th. Thank you.

CHAIR LEE: Okay, anybody else? Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Are you talking about kind of a poll on procurement for district offices, is that what Ms. . . .I see Councilmember Paltin has left the room, but is that what we're talking about? Well, what procurement?

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CHAIR LEE: I think we're talking about procurement for executive session. Yeah, about the electronic. . .*(inaudible)*. . .

COUNCILMEMBER KING: Oh, about the software?

CHAIR LEE: Yeah, the software.

COUNCILMEMBER KING: Oh, okay. Yeah, if that's what we're talking about. If. . .I wasn't sure if we were talking about district offices, but I think, you know, since we've already formalized the budget. I just wanted to offer, too, for. . .since we don't have a district office in South Maui, I'm very willing to go find a space in the Community Center or something, you know, rather than have my home address used because I don't really want strangers coming in my home either because that puts me at risk and my family at risk. But I'm happy to go to another site there. We have a lot of County sites in the districts that don't have district offices. So, you know, that's another option. But, yeah, I would be in favor of procuring whatever we need to procure to have these, have these executive sessions go on in, you know. . .but I, like our Vice-Chair, I think that we, I think we can all be trusted. We're all, you know, that's what we're elected for and, you know, I don't. . .and I think it's good if we can find the software that allows us to all get on one time, but I'm not worried about anybody here printing something out or, you know, doing something. . .*(inaudible)*. . .you know, we, we. . .we're in positions where we have the public trust. So, I wanted to. . .I'm good with whatever this body decides to go forward with.

CHAIR LEE: Okay, I have a recommendation. The recommendation is since there seems to be consensus to pursue some kind of electronic software for future use of, especially with executive session documents, that I'll, I'll just go ahead and ask Staff to start the research on that. But in the meantime, since we already have a trailblazer amongst us, if she can find something in the interim that'll work and we can use that. Ms. Rawlins-Fernandez, of course, I was talking about you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, really? Mahalo, Chair. So my CPA just got back to me and she said that she uses a tax software program called Thomas Reuters *[sic]* and it handles programs and e-mails. So Thomas Reuters *[sic]* may also handle other sensitive documents, it's not just for taxes. So that's a software right there. Another software is, my staff found is called ShareFile®. So--

CHAIR LEE: Okay, why don't you work on that. You work, yeah, you work on that and then we'll use whatever you find as the interim measure for Mr. Molina's upcoming meeting and anybody else's upcoming meeting. And then we'll look, we'll ask the Staff to procure a long-term solution. Okay? Consensus?

VICE-CHAIR RAWLINS-FERNANDEZ: Support. Consensus.

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2. **HSAC UPDATE** (Councilmember King)

CHAIR LEE: Okay, thank you. Thank you, everybody, thank you. Okay let's move on to Item No. 2. HSAC, Member King, maybe you could give us an update on HSAC.

COUNCILMEMBER KING: Okay, I would be happy to. Thank you, Chair. So where we're at right now is that, you know, I couldn't get the body to move off their, their wanting to make everything stay the same for the next six months; and part of it is this, you know, all the other stuff going on, everybody just felt like if we just kept everything the same for six months. What I did agree to is, you know, we would, we would keep the Treasurer position if we could extract ourselves from all the past issues and have them handle it on Oahu because the last two years before us the, Oahu was the Treasurer so a lot of these issues came out of there. And they did put into their budget to hire somebody to help with these issues. They put in an \$80,000 position. So, I couldn't get them to confirm, but I believe that position would be only part-time with HSAC and I did express to the body, the board that we did have some concern on our Council about having a permanent position that was funded by one island only and that we would like to see a permanent staff whether it's part-time or full-time be part of the HSAC budget--I think that was Mr. Hokama's concern--and that it be, you know, fairly representing all, all Members equally. So, but meanwhile they have, you know, they're still working out the past, the past couple of years of audits and GET taxes that weren't filed, and balancing QuickBooks. And so the President, Joey Manahan, agreed to take that on and ironed all that out, so we will, we will not be utilizing our, you know, two of our OCS Staff to try unravel any more of that. We've kind of, you know, we've uncovered the problem and they're gonna work on fixing it. And so, basically it'll just be going forward with, you know, just updating the every month's budget, every month's expenditures and if there are any filings going forward that have to happen. So, that's kind of where we're at and it's only a six month, the officer stays only for six months and then we'll. . .well, whatever happens after this next election and whoever gets appointed to HSAC next will go into a different rotation. So, I've gotten three out of the four Board Members to agree to go back into the bylaws and put in that rotation, so I'm still kind of working on the fourth. But, I'm going to make a proposal to them because it's ridiculous to go through this every year and then, and I got the last 10 years, which I just got today, so I can share that with everybody to show in the last 10 years who, which island had which position. We've had the Treasurer position eight times in the last 10 years. The two years we did not have it were the two years that have the most problems. . . .(chuckle). . . So, and our OCS Staff is not excited about continuing to, to take on that position. So, but I think it's fair to rotate and have each island take their turn at the different positions. So, I will be proposing that in the next couple of months after we get past the membership. And then the other, the other announcement I wanted to make is that there will be a General Membership meeting in lieu of the conference on June 25th. It's gonna be this format. . .well, it'll probably be Zoom. I don't think it'll be BlueJeans, but it'll be an online format and so we just have the general business to approve, the operating budget going forward, the slate of officers and the, the audit, if we have the audit done by then. And so the 25th we're kind of in that timeframe of 9:00 to noon, but we think it's going to be around 10:00 or 10:30. It won't be a real long meeting, but they are trying to bring somebody in from NACo to be a speaker, a guest speaker, and it will be free, there won't be any charge for it. And then Big Island, since it was their

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year to do the conference this year, they're going to do it the following year. So they'll, they'll still get their turn at it, but this shouldn't cost any money and it won't, we won't be charging any money. It's just to get the general membership business done. Any questions?

CHAIR LEE: Okay, very good. Are there any questions for Member King? Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: No question. I just want to thank Shelly because I know she's awesome when she was my Analyst and she's helping you on this. So thank you, Shelly.

COUNCILMEMBER KING: Shelly and Nicole have both been really great putting all of this stuff together and everything, you know. Once we get these issues worked out, I think going forward is going to be smoother for the next Treasurer and I, you know, I just can't even tell you how important it is to have that one, at least one Staff member from OCS it would support because that gives us the continuity.

3. SUNSHINE LAW UPDATE AND ITS IMPACTS ON COUNCIL PROCESSES GOING FORWARD (Councilmember King)

CHAIR LEE: Okay, very good. Okay. Let's move on to the next item which is the Sunshine Law, as we started talking about already. Mr. Raatz, are you there on the line?

MR. RAATZ: Thank you, Chair. Yes, I'm here.

CHAIR LEE: Can you give us any updates that you may have?

MR. RAATZ: Well, we understand the Legislature is planning to reconvene in another special session later this month. We have multiple Councilmembers who are working on proposed amendments to the Sunshine Law for the Legislature's consideration. The Governor's existing proclamation that partially suspends the Sunshine Law is currently in effect through June 30th, but that could be cut short or extended at the Governor's discretion. So, we don't really know much about what our requirements are going to be under the State Sunshine Law for either the short-term or the long-term, so we appreciate Councilmembers working with us as we adapt to the new responsibilities we may be under.

CHAIR LEE: Well, I'm hoping that Councilmembers here will share with us what you're working on because it would be good for all of us to, to agree on some of the proposals that are going to be advanced. All right, I thought I saw Ms. Paltin's hand. Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: When we first went in and this was going well, we put in a PAF to allow. . .to allow legislation that would allow us to do what we're doing. I think it mostly was--and it could be broadened--it was mostly the requirement of if the meeting drops, that we don't have to adjourn, we can just take a recess and come back on. I can't remember if the requirement about going to people's houses to testify was part of

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that, but in seeing the concern, that should definitely also be include as well; and then we were trying to see if it could be part of Maui County's and HSAC package for the Legislature. I think that was the extent of the PAF that our office submitted, but we're open to combining it with other people's PAFs. We just, you know, wanted to get started on it right away because we like this thing and, you know, a lot of times the road from West Maui gets shut down and so, you know, and not during only pandemic situations. But, you know, definitely feel free to take it over or change it or add to it. . .or whatever. It just was, you know, something that we liked.

CHAIR LEE: Okay, thank you. And then I see Ms. Sugimura and then Ms. King.

COUNCILMEMBER SUGIMURA: Thank you. Just clarification, Chair. So what Tamara is talking about is you're putting a PAF together for State Legislature to change the State Law? Is that your, that's what you're doing, HRS change? I think every year I've been in the Council we tried to do something like that and it has never gone too far, and I wonder with this pandemic and the Legislature is really focusing on the budget from what I hear or the lack of it which is their problem, that I wonder, I wonder how far that would go. But nothing like trying, right?

CHAIR LEE: Yes, we have to keep trying. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thank you, Tamara, for putting that in. I think I would love to work with you, your office on that so that we could get these concepts even before the legislation is written in front of the HSAC Board because I think it would be more powerful if all the other islands got onboard with it as well. And we do have. . .every year I've watched this since I've been on the Council with even previous HSAC Members, is every year there are proposals to try to make our work a little more efficient via, you know, via the Sunshine Law and things like allowing us to congregate for educational purposes or even celebratory purposes without having to do the reports. And every year at the beginning of the year there are legislators that say that, yeah, that's a no-brainer, we should be able to do that and then every year they don't pass it. So, I think if we could, if we could, we've already shown that we're able to get a lot of work done and get a lot of praise from the public as well. The public has been very receptive to this online version. So, I think we. . .that's kind of the angle to come at with the legislators, but let's start early and to start working with the people who are advocates for the public, the common cause and consumer advocates and people like that, then I think we have a better shot at that. So, I'm happy to work with your office on that when you. . .you know, if you have the concepts and you wanna send them to me, I mean, I'll kind of run them by HSAC or you can come and do it, you're the alternate, so you could come to the meeting and do that, too. . .*(chuckle)*. . . Thank you.

CHAIR LEE: And that should--

COUNCILMEMBER PALTIN: And you guys aren't meeting in person or are you? It's. . .digital meetings?

COUNCILMEMBER KING: Yeah, we're doing all of our HSAC meetings on Zoom.

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COUNCILMEMBER PALTIN: Oh yeah, no problem. Yeah, just. . .

CHAIR LEE: Okay. So that would go for everybody, but let us hear you. . .what you're planning to propose, and then work with Ms. King so we can organize with the rest of the counties.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: I see Ms. Rawlins-Fernandez. . .you know, I think Mr. Hokama had a suggestion on a district meeting site, Mr. Hokama?

COUNCILMEMBER HOKAMA: Oh. Okay, Chair. Yeah, I'm happy to share. I thought we were moving on to No. 4 for Mr. Molina. But just so you know, Members, since Parks under my standing committee, I've initiated some general talks with Director Peters how. . .because it's also part of our Charter for, you know, communications and testimony, how we might be able to use certain facilities such as a community center or something that provides ample parking, has ability of wi-fi and communication, broadband capacity that would allow the district Member as well as district residents to participate in our meetings. So the discussion is on again. . .you know, we're gonna need to talk about the operational impacts, if there's any, and with proper notice how they can assist us and if Council maybe considers some small amounts for protective hardware, whether that be the shooting between the staffer and the potential speakers or testifiers and whatnot or additional lines for communications. I can bring that back up to the Chair for her consideration for an appropriate Chair's meeting or referral to standing committee. Thank you, Chair Lee.

CHAIR LEE: Okay, great, good. Glad everybody's working together. Ms. Rawlins-Fernandez, did you have your hand up, no?

VICE-CHAIR RAWLINS-FERNANDEZ: I think that was Member Paltin.

CHAIR LEE: Okay, everybody got--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. No--

CHAIR LEE: --opportunity to say something?

VICE-CHAIR RAWLINS-FERNANDEZ: --I was giving Member Hokama the thumbs up.

CHAIR LEE: Oh, okay, very good. Alright, now does that. . .that takes us to No. 4, posting matters. Mr. Molina.

COUNCILMEMBER SUGIMURA: One moment, Chair. One moment, Chair. . .

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: . . .before you leave that Sunshine. . .another thought regarding Sunshine updated impacts. If the County Building opens for the public to

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now access the County Building, what is that gonna do for impact for us being operational? I'm just curious. I've been hearing that, you know, the County Building may be opening as we're gradually--

CHAIR LEE: Well. . .well, it really doesn't matter, Ms. Sugimura, because we're not gonna have our full complement of Staff back. You would not need, you will still have to social distance. So your, your two aides cannot work together necessarily unless they're very, very careful. So we still have all these restrictions that are still in place. So, therefore, we are not necessarily gonna go back to the exact way we were operating before with all of us in our office and. . .because, you know, even the elevators you're supposed to have only three in the elevator, yeah? And access to the building is not available to the public right now. When that will be, I don't know, but there'll still be restrictions. So as a result for the convenience of the public it's easier for them to stay at home and participate, 'cause it'll be much harder for us to figure out a way where we might let one or two in the Chamber and then they would have to go out and another two come in. It'll be much more work for our Staff. So, I believe right now, so far as I know, the public is very, very satisfied with how we try and make all of our meetings open and convenient for them. I think the other way might be harder. Don't forget, half of them can't even find parking, yeah. So, you want the public continue to be circling and circling the block, I don't think so, yeah? . . .*(chuckle)*. . . Okay-

COUNCILMEMBER SUGIMURA: Well, it's been a problem all these years so that's not a new problem, but, okay I hear you. . .*(inaudible)*. . .

CHAIR LEE: That's why we need a new building. And I hope you will strongly support that idea. Okay, yes, Ms. Rawlins-Fernandez, did you have your hand up? Or were you doing thumbs up again?

VICE-CHAIR RAWLINS-FERNANDEZ: I was giving you the double thumbs up.

CHAIR LEE: . . .*(chuckle)*. . . Oh, two thumbs up. Okay, she's driving me crazy today. All right.

4. POSTING "MATTERS" ON COUNCIL COMMITTEE AGENDAS (Councilmember Molina)

CHAIR LEE: Now we were going to No. 4, Posting Matters. Mr. Molina brought this up. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I brought this up because oftentimes, you know, Members, we transmit matters to the Council for referral to the appropriate Council committee, but there are times when a matter is transmitted and there's no proposed bill or resolution subsequently transmitted, and in this case where the matter hasn't been formally developed, a Council committee may just post the County Communication transmitting just a matter. Now, to me why this is problematic posting just the matter, the County Communication can be vague. So, I would like to just offer this for a consideration, what I would ask of Committee Chairs when posting to. . .in the communication share their ideas, any questions, recommendations or

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thoughts on the matter, provide some type of direction, preliminary research or thoughts about a direction to start the discussion. Then to the extents possible within the Sunshine Law, post or attach in Granicus any documentation on the matter to help Members and their Staff with their research. And if there's a presentation that is to be discussed in Committee regarding this matter, provide the presentation in advance instead of the day of or just right before the meeting so this way at least everybody got a heads up on what the communication is about and then we can have a more thorough, meaningful discussion and you could potentially avert a lot of ques..., too many questions being answered that could have been answered by transmitting this information early on. So, I don't know if this would have to be considered as a rule of the Council or we could simply just have consensus among us and have the Committee Chairs adopt this, I guess, what would be maybe an informal unwritten policy when formulating Committee agendas. So, that's what I put out there for consideration, Madam Chair. Thank you.

CHAIR LEE: Thank you. Thank you. Ms. Paltin. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know what is funny is I, I really support this as the Committee Member because sometimes I'll read the homework on the weekend and then on the day of they'll post it and they're like, it's there in Granicus, and it makes like you didn't do your homework, but it wasn't there on the weekend and then that day. But then as the Chair it's like you're scrambling to get all your stuff together and you hope it gets posted on time. So, I can see both sides of the issue. I'm for it and if it becomes a rule, I really hope I can comply. . . .(chuckle) . . .

CHAIR LEE: . . .(chuckle) . . .

COUNCILMEMBER PALTIN: But, yeah, I can, I can see why we would want this and I can see also that sometimes it's difficult. I don't know if that's helpful to anyone, but that's what's in my brain.

CHAIR LEE: Anything else in other people's brains? Mr. Sinenci. . . .(chuckle) . . .

COUNCILMEMBER SINENCI: Thank you, Chair. And I can appreciate Mr. Molina. You know, my last meeting I had a lot of presentations; however, my Staff was still waiting for. . .we had a lot of presenters, but we still didn't get word that they were gonna be in the meeting. So, we kinda left it open and left it broad until we were sure that they were able to join us in the meeting. So we, hopefully, we're trying to get it out sooner so we can, so we can post actually we had planned for the meeting. So, I appreciate the concern. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you. I agree with Tamara that we. . .you know, it's good to have all the information. I don't, I'm not really in favor of putting this into a Council rule. I think it's good to bring up and remind ourselves, you know, that as much as possible we should do this. But, you know, it's kinda. . .you could lead a horse to water but you can't make him drink. Like you could put all the information out there and if

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someone doesn't read it, it still doesn't, you're still gonna get the same questions, you know, so. . .and, you know, we've all been in that position where we read stuff that other people haven't read and it's frustrating because you think oh, if you would have just read the material you wouldn't have to ask that question. But it just human nature and everybody's got different priorities. So, I, you know, I appreciate bringing this up and, and reminding us that, you know, to try to be as prepared as possible, but I think, you know, where. . .from what I see and comparing it with the other councils in the State, that we are the busiest Council. I think we're the hardest working. We have the most rigorous schedule and sometimes you, things are gonna fall through the cracks. And you can't get everything posted in time because of our, you know, we have. . .we're staying on the schedule of two meetings a month and besides which having to attend all the other meetings. You know, I'm. . .I think, I think Councilmember Paltin and I are the two Members who are on every, single Committee. And so, things are gonna fall through the cracks once in a while because we're so. . .we're busy being in--oh, yes, thank you. That's how I feel, too, you know, and I thought well, you know, if I miss a meeting here or there, you know, it's not that big a deal. But the meetings have all been pretty focused and so, you know, just to our credit, there all really important items on these agenda meetings. So, anyway, I just wanted to say I appreciate it and I think we should keep bringing it up, but I'm not, I don't, I'm not in favor of making rules that don't have consequences. So, I would rather just keep reminding ourselves, you know, to do the, to try to get things posted as much as possible. Thank you.

CHAIR LEE: Thank you for those comments. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I echo what Member King stated and Member Paltin. And to what Member King just said, yeah, I actually posted this item in a Chair's Meeting on February 21st. So, I mean we can continue to have it at a Chair's Meeting and discuss the usefulness of making sure that we attach resolutions, bills to the subject matter and not just having the subject matter. And since I posted. . .since I brought it up on February 21st at the Chair's Meeting and that, you know, we decided against doing a rule, then it gave me that flexibility after we completed budget to have a really tight turnaround time to get the upfront policy for County grants done because if we had established that rule in February when I had suggested, the bill wouldn't have been done on time to get the referral to my Committee, and we wouldn't have been able to move as quickly as we did. So, I can understand time when it is necessary to post the matter when, you know, you just have a really tight timeline. I mean I think we, we completed that in less than a month because it was after budget was complete and I realized that, you know, there was no bill to do what we had discussed back in February to create the grants, to change the grants reimbursement to giving grantees funding up front. And so, I had to move superfast. So, I think it's a. . .if we don't have a tight timeline and it's not for a political front, political motivated reason, then when we do post items, the preferred thing would be to have a bill or resolution attached to the matter and not just the matter. Mahalo, Chair. Mahalo, Member Molina, for bringing it up again. Maybe in a couple months we'll bring it up again.

CHAIR LEE: . . .*(chuckle)*. . . I don't think we've ever done anything a for political reason. Somehow it's just work.

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COUNCILMEMBER MOLINA: This whole job is political, can be perceived as political no matter what. But yeah, anyway but, yeah, I thought again bring it up as more maybe we can do a continual self-check, if you will, just to remind ourselves. And, yeah. So, anyway, that's what I wanted to share my thoughts on it and again, it gives our Staff members as well a chance to look at it in addition because, you know, we're real busy, too. So if you can get this information ahead, then our Staff can, you know, look at it and so we can deal with all of our other stuff that we gotta deal with. It would be helpful. So, thank you for the consideration, Madam Chair.

CHAIR LEE: Thank you.

5. READING RESOLUTIONS INTO THE RECORD AT COUNCIL MEETINGS; COUNCIL MEMBERS TO READ THEIR OWN RESOLUTIONS (Councilmember Molina)

CHAIR LEE: Now, No. 5. It's your item as well, Mr. Molina, reading resolutions into the record.

COUNCILMEMBER MOLINA: Yeah, thank you, thank you very much, Madam Chair. I'm hogging cheese today on the agenda. So, anyway, you know again when Members introduce ceremonial resolutions or resolutions that do not have the force and effect of law, they're typically read into the record. To me, at the request of the Member, the resolution is typically read into the record by the Clerk and not the Member that introduced the resolution. So, I'm recommending that any Member that introduces a resolution that is ceremonial or does not have the force and effect of law and the Member wants the reso read into the record, the Member that authored the reso should read it in its entirety. I'll use an example. The ceremonial resolution I did for our late Councilmember from Molokai, Danny Mateo, I requested to read that into the record because not only because I had a work connection with him, but I had a family connection with him, so that's why I felt the need I had a preference to read that into the record. Now as far as this whole proposal, you know, if the Members agree with this recommendation then, you know, we could put it in the form of a Council rule or again an unwritten policy and if we consider a rule, the wording could be as follows: Members wishing to have their reso read into the record at Council meeting shall read their own resolution. So, I put that out there for discussion, Madam Chair, and I'd like to hear the Members' thoughts.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Molina. I'm supportive. I did this 'cause I had the Lahainaluna Football Team and I knew that would be challenging for whoever would read it and I just want to give props to Stacey who helped me out as well so that it went off good. And, you know, it just. . .to me, I don't know about it being a rule, but I think you know if you're putting forward a resolution and it's coming from your heart, it means more if you read it yourself. But, you know, if Members have stage fright or don't want to read it, I, I don't want to like push 'em but I think it is a good idea. I'm supportive. Thank you.

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CHAIR LEE: Thank you. Ms. Rawlins-Fernandez and then Ms. Tasha Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a question for Member Molina. Mahalo, Member Molina, for your proposal. So, I guess. . .what are you proposing or expecting to achieve out of this?

COUNCILMEMBER MOLINA: Well, more ownership of the reso if it's a ceremonial thing because like Member Paltin said, you may have a personal connection to that particular item. Like as I mentioned earlier with my connection with Mr. Mateo, it was very heartfelt. And I'd like the Members to have that option, and no, no offense to the County Clerk or the way they read. I mean it's just. . .it's about more ownership of the resolution, and that's what I want us to consider whether it by rule or the Chair gives you that option to read the reso. So, that's where I'm coming from. So, to me, you know, it's about connection between the author, the constituent, and the honoree for whatever matter is being discussed.

VICE-CHAIR RAWLINS FERNANDEZ: Okay.

CHAIR LEE: Ms. Tasha Kama and then Ms. King. I'm sorry, did you, were you not done?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, just a quick follow-up because right now we do have the option to read it ourselves if we want to read it. But by passing a rule like this we're gonna say you don't have the option to allow Clerk to read it, you *have* to read it yourself. So that's what this rule is, like we're not gonna have the option to have the Clerk read it?

COUNCILMEMBER MOLINA: Yeah. Well, as I mentioned earlier, it's an option whether we wanna do a rule or just, you know, do it informally, just give us the flexibility so that way, you know, again it's about ownership of the resolution. I mean you see it sometimes on the floor on the State House or the U. S. Congress, the members themselves sometimes will read that reso into the record personally, 'cause I think in my opinion it shows more ownership, more commitment to that reso if the Member reads it themselves.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So then, no rule then because we already have that option to read it ourselves?

COUNCILMEMBER MOLINA: Well, that'll be a decision of this body if we decide to formulate it into rule. But, yeah, I mean like I said I'm flexible to both, but again, just a reminder that, you know, Members who may not be aware that, you know, you can take ownership of it as well. I know back when I was on the Council before. . .my experience was almost everything, every reso was read into the record and I'm not--maybe Mr. Hokama or maybe, Alice, you can share your thoughts on how it was way back when if the Members were given that option to read the reso. But again, I put it out there again to ensure that, you know, we have that flexibility to read the reso. So if it's something that's already informally, been mentioned informally--well, has that, has this issue ever been discussed would be my question or shared with the Members that we have that flexibility?

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VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I don't believe we have a rule saying that Councilmembers do not have the option to read a ceremonial resolution if they so choose. There's no rule saying you cannot, so any Member who wants to can. I can't imagine anyone saying no, Member Molina, you cannot read your resolution. And so--

COUNCILMEMBER MOLINA: Yeah, and precisely my point. That's what I'm making sure. I mean. . .I mean Council Chair Lee could just say, you know what? No. Right?

CHAIR LEE: . . .*(chuckle)* . . .

COUNCILMEMBER MOLINA: But this way I wanna make sure that we have that flexibility 'cause I know Alice wouldn't, but just in case you had someone who said no. Then that way we have that assurances that we can read it into the reso.

VICE-CHAIR RAWLINS-FERNANDEZ: I think if the Chair were to make a decision like that, we, as the Council, would be able to overrule the Chair. But I, I don't think our Chair would do anything like that. I think she would encourage Councilmembers to read their own resolution, knowing our Chair. Mahalo, Chair. Mahalo, Member Molina.

CHAIR LEE: Okay, moving on to more questions or comments. Ms. Tasha Kama, then Ms. King, then Mr. Hokama.

COUNCILMEMBER KAMA: Thank you, Chair. So, my whole sense is. . .I didn't know that you could or couldn't. All I know is that I wanted to do it, so I did it. But I think it's really. . .one thing I like when different people read the resos because you can feel in their intonation what they're feeling about the persons or what they're doing with that resolution. So it's more heartfelt, you feel it, and it's more sincere. . .and when you listen to the words being said, the words--I've always liked being read to, so I like when people read to me and I can hear what they're saying with their voices and I can read what their heart is saying at the same time. So, I like that and I think when people do that, people will pay more attention, I think, when different Councilmembers read a resolution of that sort. It just sounds very melodious sometimes. It also give the Clerk a break if he's got a lot of stuff he's gotta read that day, and I think people appreciate the, you know, the break of the intonations by someone else. So, I mean I don't think it has to be a rule, but if it's an understanding that we can, we can and we choose to do so, we do it. . .not because you're being forced to, but because you want to and because what you have to say is important. Thank you, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I echo those thoughts and the Vice-Chair's thoughts that, you know, we do have. . .I thought we did have that choice, and so, thank you to Mr. Molina for reminding us that we have that choice and we should maybe exercise that option a little more often than we currently do. But I just wondered. . .you know, my immediate thought was is there ever, have any of us ever experienced being told no, we can't read our own resos, so is that where this is coming from, Mr. Molina?

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Or is it just a, you know, suggestion to the Councilmembers that we might wanna think reading or own resos once in a while or more often than we do?

COUNCILMEMBER MOLINA: Yeah. No, it was just something that I thought of. I'm not aware of, you know, during my prior run, prior time on the Council if there was any steadfast rule. If they're saying that it was the way it was, you just relied on the Clerk to read the reso and I'm not. . .I can't recall if we're having any discussions about that, which is why I kinda asked Member Hokama or Member Lee if they had any recollections if there was any policy or any rule regarding having only the Clerks read the reso.

COUNCILMEMBER KING: Okay. Well, I--

COUNCILMEMBER MOLINA: So, you know, I see, I see--

COUNCILMEMBER KING: I, I think that's a great idea to, to read your own resos and maybe some of us hadn't thought about that before, but I, I'm not really in favor of making a rule about it. I think it's good to have an option.

COUNCILMEMBER MOLINA: Yeah, yeah. And, you know, I agree with what Member Kama said earlier because when you was. . .when you take ownership of the reso, you can speak with passion on it, whereas the Clerk may not have that passion or connection to the reso like the Member has and, and it does make a difference not only amongst to the Members but to the public when they see it's being read with passion into the record by the Member. There's a big difference, big difference.

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER MOLINA: So, and. . .that's, that's kind of where I'm coming as well, too. So, it's good to know that, you know, we have that option and, you know, where maybe if we don't have to memorialize it via Council rule, I'm okay with that.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair, if I can share a few comments. It has always been a Member's privilege to request to Chair to have the Clerk read the resolution. And yes, Mr. Molina, we've changed over the course of terms where right now to qualify for a resolution you must meet certain standards or guidelines, I believe, that Staff has helped establish for Council. So, we've reduced the amount of resolutions that gets introduced at the Council. And now we even have the category of ceremonial resolutions. So I would, yeah, say that I would maintain the ability of a Member to choose how the resolution is presented, yeah, and for me, you know, I've been one of the few that has rarely submitted resolutions. But when I do, I want the Clerk to read it because I want that official decorum and the official status that the resolution represents as an action of Council and that is why I want the Clerk to read it. This is. . .and for me when I do my reso, it's about an official action for its official statement whether it's in recognition of something so outstanding it deserves it. And that is why

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I prefer the official, the Clerk to do the reading of that type of resolution. So again, Members, there's, you know. . .that's why we always put the request to the Chair and we allow the Chair to participate, and that's why it's always the request to the Chair to have the Clerk read the reso. The Chair if she believes that it's totally inappropriate can deny the request just by that ruling and say I'm sorry, I deny that request and we move on. So again, Members, I would hope we keep the flexibility, but still remember why we would ask the Clerk to read the resolution for the appropriate decorum at the appropriate time. Thank you.

CHAIR LEE: Anybody else have comments. Mr. Molina, are those new glasses?

COUNCILMEMBER MOLINA: Yeah, it's about maybe six months old. . .*(chuckle)*. . .if you consider that new.

CHAIR LEE: I just noticed them. They look nice, they look nice.

COUNCILMEMBER MOLINA: Oh yeah. Oh boy, you my friend for life now. . .*(chuckle)*. . . Okay, I buy you lunch.

CHAIR LEE: . . .*(chuckle)*. . . Thank you. All right. It appears that the consensus is to have the Members have the option of reading a resolution or asking the Clerk to read the resolution into the record. But either way, we have a choice and please feel free as we're going through maybe an agenda really quickly, feel free to stop me if and say that you want to read it because I'll be happy to call on you. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, Chair. . .yeah, just to clarify again, this will just apply to ceremonial resolutions and not resolutions that have the force and effect of law.

CHAIR LEE: All right.

COUNCILMEMBER MOLINA: Thank you.

6. COVID-19 IMPACTS (Chair Lee)

CHAIR LEE: Thank you. Thank you very much. And that brings us to the end. I really don't have anything to add, the COVID impacts right now. . .Mr. . . .oh yeah, wait, wait, I do have something, I do have. Mr. Hokama mentioned to me about computers being of the same type, and the way it's related to the COVID-19 impacts is that we're on BlueJeans all the time. So, he made the suggestion of the possibility all the CMs using the same type of computer. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Members, this is just discussion point, nothing else. In my discussions with Chivo who we all know is one our major people with our communications with Akaku, we've talked about some of the challenges and, you know, I told him one of my challenges as it regards to being on Lanai all the time was my concern about my broadband width and consistency that for me where my house is located and where the County office is, I cannot depend on not losing signal

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strength and the ability to participate in our meetings, and that was one of my major concerns why I chose to stay on Maui and explain it to my community as it regards to representation for them. And one of the things that Chivo brought up was that part of our challenges is when nine of us have nine different types of devices that have different types of capacities and software that is installed. So some of us may be using the Apple® platform, some of us may be using Toshiba® platforms. . . .Or what is the Korean version? But anyway, I (*inaudible*)--

COUNCILMEMBER KAMA: Arirang.

COUNCILMEMBERS: . . .(*laughter*). . .

COUNCILMEMBER HOKAMA: Samsung®, Samsung®. Thank you, Tasha. But anyway, part of the discussion was it may assist us in the future if we move technology forward, that it may help us to have some kind of consistency and uniformity regarding certain equipment that we utilize, and one of it would be the device that we use for this type of meeting. So, I just bring that up, Chair, as something we might want to consider, that standardization may be a benefit for us in this area. But again, it's just a point of discussion at this time and I appreciate you letting me bring it up. Thank you.

CHAIR LEE: Are there any comments or questions? I will talk to the Staff about this, if we can standardize some of our equipment.

COUNCILMEMBER HOKAMA: Yeah, thank you. And then I have one, one last comment I wanna share or ask for follow-up please, Chair?

CHAIR LEE: Yes.

COUNCILMEMBER HOKAMA: You know, I know all of you are concerned about it and my concern is we have yet to receive any of our Federal dollars via the State government, and my concern is I'm not sure whether we should forward a request via the Mayor or to our State Delegation 'cause my understanding is U. S. Treasury has already informed the Governors who have not released any funds to counties as of yet, that they must release at least 45 percent immediately so they can have, be spent down by the deadline Congress has set. So if we're only gonna get 45 percent, Members, we're only looking at \$30 million of the 66 plus, and if that's the case, I would think it would be responsible for the State to inform us so that our Budget Committee then can make any appropriate adjustments that we feel is to community benefit. So, thank you for letting me share that concern of mine.

CHAIR LEE: So, Mr. Hokama, Mr. Hokama, I believe that the State has the money, but it's just holding it? Is that--

COUNCILMEMBER HOKAMA: That is my understanding. That is my understanding from the U. S. Treasury, Chair, and that they were directed to release at least 45 percent of the total amount to counties that have received nothing as of yet.

CHAIR LEE: Okay.

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COUNCILMEMBER HOKAMA: Get something happening at the State and Governor's level. That's all I know, Chair, and it's impacting counties like ours. Thank you.

CHAIR LEE: Yeah, Ms. King.

COUNCILMEMBER KING: Yeah, thank you for that, Mr. Hokama, for bringing that up. I was told by one of our State Representatives for Maui that they were going to be releasing I thought he said 50 percent, but maybe it's 45 percent, this week and. . .but that there was some concern with our Mayor's proposals. So, I'm not sure if that's what's holding it up, but they are going to have to release, regardless of what they think about the proposals in front of them, they're going to have to release half of it and then they want to see how that half is spent, I think. But, I'm hoping that more of our. . .of the Councilmembers' proposals will be incorporated into the Mayor's proposals and that, you know, that will give a better comfort level because I've talked to three legislators who don't feel that there's been real collaboration. I mean there's been consulting, we gave our input, but, you know, as you heard I asked Mr. Baz last week what does that mean to you? Does that mean that you are required to incorporate them and he said no, they're not. So there's a, you know, there's that nebulous consulting phrase in the bill, but there's nothing that obligates them to actually incorporate what the Council wants. So, I think that's a concern I have, but I do also believe that this week is when 50 percent of it's going to be released is what I was told.

CHAIR LEE: I will look into it.

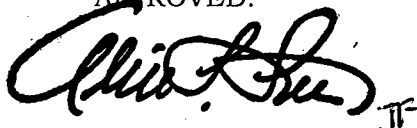
COUNCILMEMBER HOKAMA: Cross our fingers.

COUNCILMEMBER KING: Yeah. Cross our fingers, right, yeah. So, anyway thanks for bringing that up, Riki.

CHAIR LEE: Okay, anybody else have anything else before we end the meeting? Okay, looks like we have covered all of our agenda items. So thank you, everybody, and have a great week and we'll see you later. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 12:44 p.m.

APPROVED:



ALICE L. LEE
Council Chair