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VIDEO TRANSCRIPTION OF
MAUI CHARTER COMMISSION MEETING

MARCH 18, 2021

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1 A P P E A R A N C E S

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CORY VICENS
SECRETARY (TEMPORARY)

5

KELSON KAUANOE BATANGAN
COMMISSIONER

6

7

DOREEN CANTO
COMMISSIONER

8

9

GRANT CHUN
COMMISSIONER

10

11

LANCE COLLINS
COMMISSIONER/CHAIR

12

13

PAUL DESLAURIERS
COMMISSIONER

14

15

KAREY KAPOI
COMMISSIONER

16

17

DAVID DELEON
COMMISSIONER

18

19

KEONI KUOHA
COMMISSIONER

20

21

GEORGE PURDY IV
COMMISSIONER

22

23

ASHLEY OLSON
COMMISSIONER

24

25

1 MICHAEL P. VICTORINO
MAYOR

2

3 ALICE L. LEE
COUNCIL CHAIR

4

5 GLADYS BAISA
PUBLIC SPEAKER

6

7 WESLEY LO
PUBLIC SPEAKER

8

9 KAY FUKUMOTO (PHONETIC)
PUBLIC SPEAKER

10

11 DICK MAYER
PUBLIC SPEAKER

12

13 SHAY CHAN HODGES
PUBLIC SPEAKER

14

15 UNIDENTIFIED FEMALE SPEAKERS

16

17 NIK HILANANDA
PUBLIC SPEAKER

18

19 JOHN BLUMERBUAL (PHONETIC)
PUBLIC SPEAKER

20

21 KAI NISHIKI (PHONETIC)
PUBLIC SPEAKER

22

23 LAAKEA LOW (PHONETIC)
PUBLIC SPEAKER

24

25 MIKE MORAN (PHONETIC)
PUBLIC SPEAKER

1 NOELANI AHIA
PUBLIC SPEAKER

2

3 UNIDENTIFIED MALE SPEAKERS

4

5 RICHELLE M. THOMSON
FIRST DEPUTY CORPORATION COUNSEL

6

7 DOUGLAS W. MARDFIN
COMMISSIONER

8

9 KEOLA R. WHITTAKER
DEPUTY CORPORATION COUNSEL

10

11 KATHY KAOHU
COUNTY CLERK

12

13 JAMES KRUEGER
DEPUTY COUNTY CLERK

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1 VIDEO TRANSCRIPTION OF
2 MAUI CHARTER COMMISSION MEETING
3 MARCH 18, 2021

4 SECRETARY CORY VICENS: For the Charter
5 Commission, this is Cory Vicens. I am your Secretary
6 for this meeting. If you can hear me, can you just
7 all please raise your hand? Great. Thank you.

8 I'm going to just take - we do - are recording
9 this. But I want to do a roll call of our
10 Commissioners, and then just go through some
11 housekeeping for our Commissioners, as well as non-
12 Commissioners who will be participating today.

13 So, I'm just going to do - if you can just say
14 Aye and raise your hand. We'll start with our
15 members. And we have Kauanoë Batangan.

16 COMMISSIONER BATANGAN: Aye.

17 SECRETARY CORY VICENS: Mahala. Doreen Canto?

18 COMMISSIONER CANTO: Good morning, Cory.

19 SECRETARY CORY VICENS: Good morning. Grant
20 Chun?

21 COMMISSIONER CHUN: Good morning, everyone.

22 SECRETARY CORY VICENS: Good morning. Lance
23 Collins?

24 COMMISSIONER COLLINS: Good morning.

25 SECRETARY CORY VICENS: Good morning. Paul

1 Deslauriers.

2 COMMISSIONER DESLAURIERS: Good morning.

3 SECRETARY CORY VICENS: Good morning. Karey
4 Kapoi?

5 COMMISSIONER KAPOI: Good morning.

6 SECRETARY CORY VICENS: Good morning. We have
7 Dave DeLeon.

8 COMMISSIONER DELEON: Good morning.

9 SECRETARY CORY VICENS: Good morning. Keoni
10 Kuoha.

11 COMMISSIONER KUOHA: Mahala.

12 SECRETARY CORY VICENS: Good morning. I also
13 have George Purdy.

14 COMMISSIONER PURDY: Aloha, good morning.

15 SECRETARY CORY VICENS: Good morning. Ashley
16 Olson.

17 COMMISSIONER OLSON: Good morning.

18 SECRETARY CORY VICENS: Good morning. If I've
19 missed anybody, could you please let me know
20 (unintelligible) all of our Commissioners. One more.

21 FEMALE SPEAKER: Ward Mardfin.

22 SECRETARY CORY VICENS: I'm sorry - Ward
23 Mardfin. (unintelligible) Mr. Mardfin? Mr. Mardfin,
24 can you please let us know if you are on this meeting,
25 by raising your hand, and verbal? Okay. He may be

1 joining us a little bit late. We'll double check on
2 that one.

3 Just some of the housekeeping - for those who
4 are participating during this meeting, we ask that
5 you, for non-Commissioners, to please keep your mics
6 muted, unless you are providing testimony, at which
7 time you will be allowed to speak to that. As a
8 testifier, please give us the agenda item, your name,
9 the agenda item, and you'll be able to speak for three
10 minutes. For our Commissioners, we ask that you keep
11 your mics muted, as well, unless - when you're
12 speaking, raise your hand, as well. We do have
13 written testimony --

14 COMMISSIONER DELEON: A question --

15 SECRETARY CORY VICENS: -- that will be
16 received into this meeting at a, another point in it.
17 If you need any assistance, for the Commissioners, you
18 all have the number that you can reach me at. If you
19 get disconnected, I'm here to assist. Our Deputies
20 today - our First Deputy Richelle Thomson, and Deputy
21 Keola Whittaker, who will be - who are assigned to
22 this Commission. First Deputy Thomson, I think I've
23 covered everything. Have I missed anything?

24 RICHELLE THOMSON: No. Thank you very much,
25 Cory. And I see that the Mayor's on, and Chair Lee,

1 to open the meeting and give their welcomes.

2 MAYOR VICTORINO: Good morning, everyone.
3 Aloha, and welcome. I will start with, as a
4 gentleman, letting the First Lady of our Council, the
5 Council Chair, to say a few words, and then I will say
6 what I need to say. Madam Chair, would you kindly
7 start our proceedings.

8 COUNCIL CHAIR LEE: Thank you, Mr. Mayor. Good
9 morning, everyone. I'm Alice Lee, your Council Chair.
10 And on behalf of my colleagues, I want to congratulate
11 you on your appointment to this very vital, vitally
12 important body. A Municipal Charter is the basic
13 document that defines the organization powers,
14 functions, and essential procedures of the local
15 government. It is comparable to the Constitution of
16 the United States, or a state's Constitution. The
17 Charter is therefore the most important legal document
18 of any municipality. While your work will require
19 difficult decisions, and long hours, I hope you will
20 find that it comes with enjoyment and satisfaction.
21 You have a great opportunity to shape the future of
22 this unique place we call Maui County. Your work on
23 the Charter Commission can play a major role in
24 preserving the best of Maui County for generations to
25 come.

1 I know you will focus your discussion on the
2 big ideas. As Eleanor Roosevelt said, 'Great minds
3 discuss ideas. Average minds discuss events. Small
4 minds - well, they need more discussion.' She also
5 offered this bit of sage advice. 'Do what you feel in
6 your heart to be right, for you'll be criticized
7 anyway.' In this arena, you just can't please
8 everyone all the time. But thank goodness, that's not
9 our goal. In a few minutes you will begin your
10 journey, and we are counting on you to work together,
11 and give us the best Charter we've ever had. Thank
12 you so much. Mahalo.

13 MAYOR VICTORINO: Thank you, Madam Chair.
14 Excellent opening remarks. Now I can scratch off my
15 first half, and just move on to the second half of my
16 remarks. Thank you very much.

17 It's always nice when the ladies of the house
18 start out, because they give us that insight that we
19 all need. This is a very crucial time in Maui Nui.
20 We are at a crossroads in many segments of our
21 community. This pandemic has shown us one thing, and
22 one thing only - that we need to stop, recalibrate,
23 reassess, and reconfigure what Maui County's all
24 about. But we've got to do it with our local values.
25 We've got to do it with our culture as a paramount

1 guidance in where we move.

2 The upcoming months are going to be somewhat
3 difficult at times, long, and arduous. But I am
4 confident that all of you have been selected for your
5 fortitude, your passion, and most importantly, your
6 commitment to the community. You know, as your Mayor,
7 I have been honored, like Chair Lee and the Council
8 members, to work hard - not only today, yesterday, and
9 tomorrow, but in the future, for all of us - to make
10 sure that you and your family are able to live here,
11 play here, and be able to work here.

12 It is our kuleana that we need to take thorough
13 review, and be responsible for our actions and what we
14 come up with. I know you guys will do a good job -
15 each and every one of you, men and women, will do what
16 is clear in your heart, for the people of Maui County.
17 I hope the people of Maui County participate this time
18 around in larger numbers to make sure that their -
19 their voices are heard - are heard - excuse me. I
20 wish you nothing but continued good luck, and success,
21 staying healthy during this pandemic, but most
22 importantly, providing the support for your community.
23 We, the Departments, as well as the Council and the
24 administration, are here as support vehicles, also.

25 I want to also thank our Counsel, our

1 Corporation Counsel, and all of those who are going to
2 be involved, whoever you bring in as resource people,
3 knowing full well that their voice will heard loud and
4 clear.

5 So at this time, I would like to move on to
6 public testimony. But before I start public
7 testimony, I would like to find out, first of all - is
8 there any testifiers that have sent in written
9 testimony? How many written testimony have we
10 received?

11 SECRETARY CORY VICENS: Chair - Mayor, this is
12 Cory. We've --

13 MAYOR VICTORINO: Yes.

14 SECRETARY CORY VICENS: -- received testimony
15 today from three individuals from the community.
16 Their documents have been posted up on our website,
17 meeting documents - it's under Public Testimony. It
18 will be put up there as each (unintelligible) . So
19 you can look under 3/18/2021. We have one from - let
20 me just get to that, Sir.

21 MAYOR VICTORINO: Please.

22 SECRETARY CORY VICENS: The first one we have
23 is Dick Mayer on potential Charter amendments.

24 MAYOR VICTORINO: Okay.

25 SECRETARY CORY VICENS: The next one that we

1 have is from Mr. Steven Goldsmith, also on Charter
2 amendments proposed.

3 MAYOR VICTORINO: Okay.

4 SECRETARY CORY VICENS: And the third is from
5 Mr. Mark Hyde (phonetic), on proposed Charter
6 amendments. As I said, these are all --

7 MAYOR VICTORINO: Are all of these --

8 SECRETARY CORY VICENS: -- available online.

9 MAYOR VICTORINO: Online. Thank you very much.
10 So now, opening it up to public testimony. Will you
11 pull up the first public, first testifier - I guess,
12 Richelle, you're handling that. Or is that you, Cory?
13 Who's handling that?

14 SECRETARY CORY VICENS: Mayor, the items that
15 we have - we have one, two, three, four, five, six
16 testifiers at this time. And the first item that we
17 have are on B.1, which is testimony on the selection
18 of the Chair.

19 MAYOR VICTORINO: Okay. So let's start with
20 our testifiers. Who is our first testifier? Will you
21 call them up, please, and also announce the second
22 testifier so they'll be prepared to follow, so we can
23 keep moving smoothly, please.

24 SECRETARY CORY VICENS: Yes. First testifier
25 is Shay Chan Hodges. Actually, Sir, no, it'll be

1 Gladys Baisa on B, number one, followed by --

2 MAYOR VICTORINO: Okay.

3 SECRETARY CORY VICENS: -- Wesley Lo, B, number
4 one. Ms. Baisa?

5 GLADYS BAISA: Yes. Hello. Good morning. My
6 name is Gladys Baisa, and I'd like to thank you for
7 the opportunity to speak in strong support of Grant
8 Chun for Chair. Grant has experience and training in
9 law, education, government, nonprofits, and many other
10 community efforts. I have known him and worked with
11 him in many community roles, including Boy Scouts,
12 Imeo (phonetic), Hale Mahaolu, United Way, and many
13 others. He is a fair, inclusive, and respectful
14 person. As former Managing Director, he has worked
15 with our entire community and our county, and is very
16 familiar with the importance of the Charter. He will
17 get the work done in a timely manner. I recommend him
18 without reservation. Thank you.

19 MAYOR VICTORINO: Thank you, Ms. Baisa, and
20 it's really nice to see you. I hope you are doing
21 well, you and Sherman.

22 GLADYS BAISA: Thank you, Mayor.

23 MAYOR VICTORINO: Aloha. Next testifier,
24 please.

25 SECRETARY CORY VICENS: Mayor, the next

1 testifier is Wesley Lo, on Item B1, followed by Kay
2 Fukumoto on Item B.1.

3 MAYOR VICTORINO: Mr. Lo, please.

4 WESLEY LO: Thank you, Mr. Mayor, and
5 Commission members. I'm Wesley Lo. I am the Chief
6 Executive Officer for Hale Makua Health Services. I
7 am testifying on the selection of the Chair for this
8 very important Commission. You know, I've been on a
9 lot of boards in my life, and I found that good board
10 members are very familiar with protocols, they're
11 reasonable, they listen, they're firm, and they're
12 patient. You know, I, I've known Grant Chun, who I,
13 I'm, I'm testifying in support of, for, for many, many
14 years. I worked with him when he was the Managing
15 Director. He was my boss - many, many years ago.
16 I've been on the Board with him on many places. He
17 was on the Maui Memorial Medical Center Board. He
18 serves on Hale Makua's board right now. And I, I've
19 spent hours and hours talking to Grant about many
20 community matters.

21 I think he would be an excellent choice. As a
22 Board member, I think probably his most redeeming
23 characteristics is how much he cares for the
24 community, and I think that's the most important thing
25 for all of you - and I really appreciate the

1 opportunity to express my support for Mr. Chun, for
2 Chair. Thank you.

3 MAYOR VICTORINO: Thank you, Mr. Lo.
4 Appreciate your comments.

5 WESLEY LO: Thanks.

6 MAYOR VICTORINO: Next testifier, please.

7 SECRETARY CORY VICENS: Mayor, we have Kay
8 Fukumoto testifying on Item B.1, followed by Dick
9 Mayer, who will be testifying at this time on Item
10 B.1.

11 MAYOR VICTORINO: Ms. Fukumoto, please go
12 ahead.

13 KAY FUKUMOTO: Aloha, Mayor and Charter
14 Commission members. I am Kay Fukumoto, and I am
15 submitting testimony today to encourage the
16 appointment of Grant Chun to chair this Charter
17 Commission. It is important that someone be selected
18 who can, number one, run meetings efficiently; two,
19 has the knowledge of the workings of the county; and
20 three, someone who has a broad base of knowledge
21 within this county, coming from both the private,
22 public, and nonprofit sectors.

23 I've known Grant for over 20 years. Our sons
24 actually grew up together within a Boy Scout troop,
25 and I have had the pleasure of working with him on

1 other community service initiatives.

2 The first important role of a Chair is to
3 respect board members' time, and I have witnessed this
4 as he has led many meetings for various organizations.
5 He is concise, yet compassionate, and truly sticks to
6 the task at hand. His skill is to focus on the
7 decision-making process, as well as getting to a
8 compromised result is stellar.

9 The second unique attribute of Grant is his
10 actual experience of having been the Managing Director
11 of the County. He came from the public sector to work
12 with the various County departments, had to represent
13 a broad base of residents from our three-island county
14 - Molokai, Lanai, and Maui, and has worked with other
15 state and government officials. His knowledge of how
16 our government runs, within the framework of the
17 Charter, is valuable.

18 The third important item it is - is his broad
19 base of knowledge with the community through his
20 nonprofit work. His work as an advocate for economic
21 development with the Maui Economic Development Board,
22 his passion for children and young adults with his
23 work with the State Board of Education, Boy Scouts,
24 Akaiki's (phonetic) Dream, and the Chancellor's
25 Advisory for the UHMI College, his cultural work with

1 the Maui Chinese Cultural Society, and work within the
2 Japanese community, his work for many who need help
3 through the Maui Economic Opportunity Board, and his
4 advocating for seniors in his current role as the
5 Executive Director of Hale Mahaolu - all of it shows
6 his commitment to the community, as well as broad
7 knowledge of our needs.

8 His experience and working knowledge is vast,
9 and touches on the main communities that are all
10 affected by this Charter, which is a framework for how
11 the County of Maui proceeds in providing services to
12 its residents. I humbly ask for your consideration in
13 appointing Grant Chun to lead this Charter Commission.
14 Mahala.

15 MAYOR VICTORINO: Thank you, Ms. Fukumoto.
16 Thank you very, very much. Next testifier, please.

17 SECRETARY CORY VICENS: Mayor, we have
18 testifier Shay Chan Hodges on Item B.4, followed by
19 Nikki Hilananda on Item 6(b) and 7(b).

20 MAYOR VICTORINO: I thought you had mentioned
21 Dick Mayer wanted to speak first.

22 SECRETARY CORY VICENS: I'm --

23 MAYOR VICTORINO: (unintelligible)

24 SECRETARY CORY VICENS: -- sorry.

25 MAYOR VICTORINO: Yeah.

1 SECRETARY CORY VICENS: Yes, Dick Mayer. Thank
2 you.

3 MAYOR VICTORINO: Okay. I'd like to call on
4 Mr. Mayer - please.

5 DICK MAYER: Thank you very much. My name is
6 Dick Mayer. Can you hear me? Can you hear me?

7 MAYOR VICTORINO: Yes, we can. Yes, we can.
8 Go ahead, Mr. Mayer.

9 SECRETARY CORY VICENS: Yes, we can. Thank
10 you.

11 DICK MAYER: I would like to speak on two items
12 - B.1, and B.7. B.1 - regarding your Chair, I would
13 like to endorse Lance Collins to be your next Chair.
14 I've known Mr. Collins since he was a high school
15 student at St. Anthony back about 25 years ago, 20, 25
16 years ago. He came to Maui Community College, where
17 he was one of my students, as a - after his sophomore
18 year in high school, because he, he wasn't learning a
19 lot there. And he then excelled at the college, one
20 of the best students I've seen go through the college.
21 And one of these things that he did, while he was at
22 the college on a directed studies program, was to
23 review the County Charter. And that was his first
24 work with the Charter, now several decades ago.

25 Since then, and I'll just summarize here - he

1 has set up a website which has all of the background
2 documents from the, the various Charter Commissions
3 over the years, has maintained that, and is - I think
4 is really an expert on the intricacies of the Charter,
5 how it's evolved, etc.

6 In addition to that, he went on to Manoa, got
7 his bachelor's, master's and doctorate degree, and
8 then got his law degree. And he's been very active in
9 our community, on many legal cases involving issues in
10 the community. And I feel his temperament and his
11 knowledge are recommendations to select him to be the
12 Chair of your Commission. And I would like to thank
13 everybody who's serving on this Commission. I -
14 although I've singled out Lance, I know many of you,
15 and I am very pleased with the selection of this
16 broad-based Commission.

17 On my second Item, B.7, Charter amendments -
18 I've submitted a nine page document, which you'll see
19 on your website, or you'll get paper copies, I hope,
20 which contains 30 different areas that you may want to
21 examine for improvements to the Charter. Some of them
22 are (unintelligible), but some of them are quite
23 significant and important contributions, I think that
24 would make the County, the County government, operate
25 much more efficiently. I'm hoping that you'll review

1 those, and I don't want to take the time today to go
2 through any of them with any detail, but I do want to
3 site the type of thing that are, that are in there -
4 one of which has - is a, is a concern, about the way
5 we elect Council members, and the recommendation that
6 I'm making is that we select - have a, a new way of
7 electing them, by regions in the county, and have a -
8 just - a equal representation for each of the areas,
9 in a probably better way than is being done now.

10 Another one is to establish a Blue Ribbon
11 Committee that would pick people for all the boards
12 and commissions, and help the Mayor and the Council,
13 get the - and recruit the very best people we can for
14 (unintelligible). Those are just two items, and
15 there's some detail in my submission to you.

16 And lastly, I - on the last page of that
17 submission, there's a page from the Maui Countywide
18 Policy Plan, which gives guidance to the Charter
19 Commission on what the County and the County Counsel
20 has, has adopted, as a way forward for us, in terms of
21 an effective government. I would urge you to look at
22 that last page, and look at that section of the
23 Countywide Plan, which talks about good governance,
24 and what we should be doing with our Charter.

25 I wish you well, and I will be coming to future

1 meetings to discuss some of the items that I've
2 listed, those 30 items, that we'll go through as you
3 set up your format for discussing changes, and
4 potential changes in the Charter. And I want to wish
5 you all, all the best, and thank you deeply for all
6 the work you're going to be doing over the months
7 ahead. Aloha.

8 MAYOR VICTORINO: Thank you, Dr. Mayer, and
9 good to see you again, Dr. Mayer.

10 DICK MAYER: Thank you, Mayor.

11 MAYOR VICTORINO: Moving on to the next
12 testifier, please. Cory, who is our next testifier?
13 I believe it's Shay Chan Hodges, but I just wanted to
14 confirm that, because already we had skipped over Mr.
15 Mayer, so I want to make sure we're not out of order.
16 Is that correct? Cory, are you there?

17 SECRETARY CORY VICENS: Aloha, Mayor.

18 MAYOR VICTORINO: Cory, are you there?

19 SECRETARY CORY VICENS: Sorry, just - I am.
20 Just some technical - we're trying to patch in our
21 Commissioner, Mr. Mardfin at the moment.

22 MAYOR VICTORINO: Okay.

23 SECRETARY CORY VICENS: So the next --

24 MAYOR VICTORINO: That's all right.

25 SECRETARY CORY VICENS: The next, the next

1 testifier is Shay Chan Hodges, on B.4, please,
2 followed by Nikki Hilananda, on Item 6B, and 7B.

3 MAYOR VICTORINO: Okay. Okay. Shay, would you
4 like - I see you on. Go ahead, please. I'm sorry.
5 (unintelligible)

6 SHAY CHAN HODGES: That's okay. Thank you, Mr.
7 Mayor, and thank you, Commissioners. Can you folks
8 hear me?

9 MAYOR VICTORINO: Yes, we can.

10 SHAY CHAN HODGES: Great. If it's okay, I'd
11 like to very briefly also testify on B.1. Is that all
12 right - B.1 and B.4?

13 MAYOR VICTORINO: I'll go ahead and grant that.
14 Go ahead.

15 SHAY CHAN HODGES: Thank you. I appreciate it.
16 I'll be very quick on B.1. I just wanted to quickly
17 say that I, I have known both Lance Collins and Grant
18 Chun for 20-plus years, and I actually really like
19 both of them very much. And like Dick Mayer, I've
20 known Lance since he was in high school, and he's an
21 amazing person. So I just wanted to say that I would
22 really support Lance Collins in this role. As
23 somebody who's an outgoing Chair of the Board of Water
24 Supply, I know how important the role is, and how
25 ability to work extremely hard putting together

1 diverse information. And so I really just want to
2 say, as much as I love Grant, I would - I would
3 support Lance Collins for Chair.

4 And then I'd like to testify on B4, and I'm
5 just going to pull up --

6 MAYOR VICTORINO: Who is --

7 SECRETARY CORY VINCENS: I'm sorry.

8 COMMISSIONER MARDFIN: I'm in. Thank you very
9 much. Bye, bye.

10 MAYOR VICTORINO: Oh - okay, I think that's
11 Marf - is that Marf? Are you in, Mardfin? Ward, are
12 you in?

13 FEMALE SPEAKER: Yes.

14 MAYOR VICTORINO: Okay. Sorry, Shay - let,
15 let's make sure Ward's in.

16 SHAY CHAN HODGES: That's okay. Yeah, I
17 (unintelligible)

18 COMMISSIONER MARDFIN: I'm sorry. I, I just
19 got in. I was having all kinds of problems.

20 MAYOR VICTORINO: Okay. So, --

21 COMMISSIONER MARDFIN: But I'm --

22 MAYOR VICTORINO: You - welcome, Ward, and if
23 you would, we are in public testimony. We've got Shay
24 on right now. And then we'll get back, and try to
25 circle back to you, and kind of give you an overview

1 of what we've discussed - we - which is not much.
2 We're just talking about - we're taking public
3 testimony at this time.

4 COMMISSIONER MARDFIN: Okay.

5 MAYOR VICTORINO: Thank you, Ward, for joining
6 in.

7 COMMISSIONER MARDFIN: I, I apologize. I've
8 been trying for 25 minutes to get into this.

9 MAYOR VICTORINO: Ward, we know that's the
10 world of technology. You're forgiven - no problem.
11 Go ahead, Shay - I'm sorry.

12 SHAY CHAN HODGES: No worries. No worries. I
13 did submit this via email, but I think it was kind of
14 late. So I, I appreciate the opportunity to be able
15 to read this. As someone who has served on the Maui
16 County Board of Water Supplies for five years - as of
17 today - it's my last meeting today, this afternoon,
18 I'm testifying as an individual about my experience
19 with the Maui County Corporation Counsel in its role
20 as legal advisor to the BWS.

21 In my experience, the level of support and
22 accuracy of guidance, including interpretation of the
23 law, provided by Maui County Corporation Counsel staff
24 varies greatly among individual staff members.

25 During my first three and a half years as a

1 Water Board member, the assigned Corporation Counsel
2 staff provided little support for individual members'
3 goals, and generally only acted to hinder the work of
4 the Board, often without cause. Examples range from
5 Board members being told they could not send out
6 correspondence without approval of the Mayor, which
7 later was revealed to be erroneous advice; to be
8 threatened with a misdemeanor for verbally describing
9 a report to the Board.

10 I sent in, via email, a letter that is also -
11 is on the public website of the Board of Water Supply,
12 as it was submitted to the Board members, describing a
13 second opinion that I sought from the State Office of
14 Information Practices, in order to clarify the
15 accuracy of the advice provided by then corp. counsel
16 to the BWS. The reporting question was subsequently
17 approved unanimously by the Board in January 2020, and
18 has served as an important resource to the community,
19 including being quoted, and linked to today in a Civil
20 Bee article about the safety of our water systems.

21 By way of contrast, in the last year and a
22 half, the Board has been supported by corp. counsel
23 staff that appear to see their role as that of
24 supporting the Board's objectives, and therefore has
25 provided advice on how to meet those objectives within

1 the context of the County Charter, and applicable law.
2 As a result, the Board has accomplished a great deal,
3 and hopefully will continue to do so.

4 In order to - in addition to completing
5 research and making recommendations on behalf of the
6 community, the Board of Water Supply serves a quasi-
7 judicial role, ruling on appeals from the community
8 related to the decisions made by the Department of
9 Water Supply. These appeals, which can be about fees,
10 deadlines, and other matters related to water meter
11 reservations, fire hydrants, and other improvements
12 and requirements, can have a financial impact on
13 individuals, ranging from tens of thousands of
14 dollars, to hundreds of thousands of dollars.

15 I have realized over the last five years that
16 since the Board relies on corporation counsel for
17 legal advice, as none of us are lawyers, the latitude
18 that we have in our rulings can be very strongly
19 influenced by the corporation counsel staff member,
20 and in fact, there is a decision-making pattern that
21 can be clearly attributed to who was advising us.

22 So in your work going forward, I hope that you
23 will consider how much influence corporation counsel
24 can have on decisions, and the importance of
25 safeguards that ensure that the County's legal

1 advisors do not engage in de facto policymaking that
2 undermines the goals of the government bodies that
3 they have been charged to support. Thank you so much
4 for your consideration. Aloha.

5 MAYOR VICTORINO: Thank you, Ms., Ms. Hodges.
6 Thank you very much. Moving on to the next testifier,
7 please.

8 SECRETARY CORY VICENS: Mayor, our next
9 testifier is Nikki Hilananda.

10 MAYOR VICTORINO: Nik, are you there?

11 SECRETARY CORY VICENS: On Item - on Item 6.B
12 and 7B, 7.B.

13 MAYOR VICTORINO: Nik, are - I see Nik. Okay,
14 Nik, good morning.

15 NIKKI HILANANDA: Good morning, Mr. Mayor, and
16 members of the Charter Commission. My name is Nik
17 Hilananda, and you probably won't believe this, but
18 it's actually pouring rain out here, so I - that you
19 can hear me. I've been a resident of Kailua for over
20 23 years, and the county for 35.

21 First, I would like to incorporate both Dick
22 Mayer's and Shay Chan Hodges' endorsement of Lance
23 Collins as the Chair of the Charter Commission. I
24 would like to also welcome all of you who are serving
25 on the Charter Commission. I've attended numerous

1 meetings, both in 2000, and 2010 for this - or two
2 thousand - 2001 and 2011 for the Charter Commission.
3 As Dick Mayer expressed, it is an incredibly important
4 document. And I thank you for your time to allow my
5 testimony. It'll be relatively brief. I'll send in
6 more detailed testimony in the future.

7 The first thing I'd like to discuss is 6.B,
8 your Rules. I would like to suggest that at some
9 point towards the end of your agenda at each meeting,
10 there is time for additional public testimony. Quite
11 often, the members of this Commission will make
12 statements and comments, and people of the community,
13 the important members of the community of Maui County,
14 would have additional things to add to your meeting.
15 So there's been other boards I've served on that have
16 done just that - so additional public testimony later
17 on in your agenda.

18 Also, as far as proposed Charter amendments -
19 I'm going to just briefly say - mention the sections
20 Article Three - I would suggest looking at the
21 possibility of a - of expanding the Maui County
22 Council to 11 member districts - separate districts,
23 not a three, three, three area districts. And I'll
24 explain in more detail in the future as to why. If
25 you do not go the means of district voting, I would

1 ask that this precinct, Huelo, and up to Kailua, be
2 moved be moved into the Makawao-Paia-Haiku County
3 Council District. I hope that's not necessary that
4 we'll have separate districts. And the reason for
5 that is that this area is much more connected to Haiku
6 than it is to East Maui. As a candidate, whenever I
7 went out to Hana, I was told, 'Oh, why are you running
8 out here? You don't live in Hana.'

9 I want to also suggest that Article Eight,
10 Chapter Eight, that we look at adopting what Oahu has,
11 as far as neighborhood boards, and that the community
12 associations be expanded into their power. As this
13 county has expanded, I think it's time to look at
14 neighborhood boards. Article Eight, Chapter 11, on
15 the allocation of water - I will testify on more
16 detail in the future, but we need to control our own
17 water.

18 Article Eight, Chapter 12 relating to the
19 police. As far as I understand, the Mayor has no
20 input into the Police Department. It's controlled, or
21 supervised by a, a community - a Commission. And I
22 think it's time that the - that the head of the Police
23 Department actually has a relationship of more detail,
24 and close relationship, and official relationship with
25 the Mayor of the county, for numerous reasons. I'll

1 go into that in the future.

2 As to Initiatives and Amendments - that's
3 Article Eight - I'm sorry - Article Eight - Article
4 11, sorry - and Article 14 on Amendments, Article
5 Eight on Initiatives. The thresholds need to be
6 lowered. We've had one initiative back in 2014 that
7 successfully got on the, on the ballot, and I strongly
8 recommend that you look at making it easier for the
9 community. And I know I'm speaking to the Charter
10 Commission, which will come up with their own
11 amendments, but that it makes it much easier for the
12 community to be able to get an initiative on the
13 ballot for the citizens to have their direct input.

14 Again, I want to thank you for this opportunity
15 to testify. I look forward to seeing you in the
16 future. And I wish you luck in this incredibly
17 important endeavor that you're now embarking on.
18 Thank you very much for allowing me to testify.
19 Mahalo.

20 MAYOR VICTORINO: Mahalo, Nik, appreciate it.
21 I will now ask Cory, are there other testifiers who
22 have signed up?

23 SECRETARY CORY VICENS: Mayor, at this time, we
24 have no other testifiers.

25 JOHN BLUMERBUAL: I'd like to testify.

1 MAYOR VICTORINO: Okay, I don't know who you
2 are.

3 SECRETARY CORY VICENS: Can you - yes, can you
4 identify yourself, and what --

5 JOHN BLUMERBUAL: Yeah. Aloha --

6 SECRETARY CORY VICENS: -- item number, please.

7 JOHN BLUMERBUAL: Yes. Aloha, and good
8 morning, Mayor Victorino and Commission members. This
9 is John Blumberbual (phonetic), calling from Hana, and
10 I just wanted to call and say aloha, and Mahalo, all
11 of you, for agreeing to serve. I have a couple things
12 to mention, because I didn't specifically go through
13 the agenda. But I, I do endorse Lance Collins for the
14 Chair. I've known him and his work since he was in
15 high school, and I strongly recommend Grant Chun as
16 the Vice Chair. I think they would be an excellent
17 team, because Lance is much younger, and independent
18 of government, and Grant has so much good experience.
19 I've worked with Grant before, as well.

20 Secondly, I really look forward to reading Dick
21 Mayer's comments. I agree with some of the - with
22 what Nik Hilananda said about the initiatives. I, I,
23 I agree with Shay Chan Hodges, regarding corporation
24 counsel, and I know you all have good ideas. So I'm
25 listening. Here's one I think's real important -

1 everybody could help with this. I can't see it on
2 Akaku. These meetings should be on Akaku, without
3 question. So please do whatever we have to do to get
4 them on Akaku. It's very important that more people
5 can see them at more times, and these are always good
6 discussions. I've participated in the last three
7 Charter Commissions. I've participated in numerous
8 attempts to get Charter amendments on the, on the
9 Council. And - so this is a very worthwhile process.
10 So please be open minded.

11 And the last thing - I'm very glad Ward Mardfin
12 is on the Commission from Hana. Ward's very capable,
13 and I've served with, with Ward and know - on
14 different bodies, and know, know him, and he's very
15 capable. And I want to say finally that the last
16 Charter, I did work with Clifford Hashimoto (phonetic)
17 from Hana, who was on the Commission, and we did get a
18 Charter amendment passed. And that had to do with the
19 recognition of the Hawaiian people, of the Kamoauli.
20 Surprisingly, that language is not in there all along.

21 So I wish you all well, and aloha. I will be
22 submitting written testimony for your consideration in
23 the future. And again, thank you. This is going to
24 be very challenging. I know a number of you, and I
25 know you're smart people, and have - will give

1 everything a thorough look. So anyway, Mahalo. Thank
2 you, Mayor.

3 MAYOR VICTORINO: Thank you, John, very much
4 for calling in from Hana.

5 JOHN BLUMERBUAL: Sure.

6 MAYOR VICTORINO: We appreciate it. Cory, is
7 there any more public testimony? You're on mute,
8 Cory.

9 SECRETARY CORY VICENS: Sorry about that,
10 Mayor. Yes. I do have Kai Nishiki (phonetic)
11 testifying to Item B.1. Kai, if you'd unmute
12 yourself, you can testify now.

13 MAYOR VICTORINO: Ms. Nishiki, please.

14 KAI NISHIKI: Good morning, everyone Kai
15 Nishiki testifying on my own behalf, testifying on
16 Item B.1. Mahalo for all of the wonderful volunteers,
17 community members who are willing to subject
18 themselves to some fun meetings here, and I'm sure
19 lots of public testimony. Having just finished the
20 West Maui Community Plan Advisory Committee, I'm fresh
21 off of that experience, and can see how important it
22 is to elect a Chair who is fair, and balanced, and
23 thoughtful, and adept at bringing various viewpoints,
24 and being inclusive of, of everyone. And I really
25 believe that Lance Collins is best suited to the job.

1 I have worked with him on many occasions where he has
2 had to take very - varying degrees of people's
3 different viewpoints, and put them into something that
4 is - that works for everyone. And I think he would do
5 an excellent job as Chair. And I do like the
6 suggestion of Grant Chun as Vice Chair. I think they
7 would, like the previous testifier said, they would
8 work together great as a team with the rest of the
9 Commission. So I just wanted to thank all of you and
10 put forward that thought. Mahalo.

11 MAYOR VICTORINO: Thank you, Ms. Nishiki.
12 Cory, any other testifiers?

13 SECRETARY CORY VICENS: Chair, I don't have any
14 other testifiers at this time. Oh, I'm sorry - sorry
15 someone just popped in - Laakea Low, Item B.2.

16 MAYOR VICTORINO: Okay. Laakea, are you there?

17 LAAKEA LOW: (speaking in non-English language)
18 decided to testify real quick. I just jumped on. And
19 I know these people were recommending the Chair and
20 Vice Chair. So I stand in support, too, of the Chair
21 recommendation that people have made, in terms of
22 Member Collins. I'd also like to throw, for Vice
23 Chair, Member Kuoha in the - his name in the ring, his
24 name in the hat. I think it's important to have
25 Kanaka representation, in either the Chair or Vice

1 Chair position. So I just wanted to throw that out
2 for your folks' consideration. Mahalo.

3 MAYOR VICTORINO: Thank you, appreciate that,
4 Laakea. Again, any other testimony?

5 SECRETARY CORY VICENS: Yes, Mayor. Mike Moran
6 to testify on Item B.1, please.

7 MAYOR VICTORINO: Okay. Go ahead, Mike - Mr.
8 Moran.

9 MIKE MORAN: Oh, aloha, Mr. Mayor and
10 Commissioners. Thank you very much for - all of you,
11 for volunteering. I think you have a well-balanced
12 group. And without rambling on - so much of what the
13 other people said, you've got challenges. But I, too,
14 would like to ask for you to consider Lance Collins as
15 the Chair. Lance has helped me numerous times, in
16 numerous efforts. And for a man much younger than me,
17 he is so much brighter than most people I know. And I
18 would ask you for that consideration for Lance. And
19 again, Mahalo to everybody for volunteering. Aloha.

20 MAYOR VICTORINO: Mahalo, Mr. Moran. Go ahead,
21 Cory.

22 SECRETARY CORY VICENS: We have another
23 testifier, Mayor - Noelani Ahia, on Item B.1.

24 MAYOR VICTORINO: Ms. Ahia --

25 SECRETARY CORY VICENS: Ms. Ahia --

1 MAYOR VICTORINO: Go ahead, please.

2 NOELANI AHIA: Aloha, (Hawaiian word) - thank
3 you, Council, and Mayor for being here today. I would
4 like to testify in support of Lance Collins for Chair
5 of the Charter Commission. I've known Lance in his
6 capacity as an attorney. He worked pro bono for an
7 organization that I'm a part of, as well as, as a
8 teacher, Lance was the teacher for a class that I
9 participated in at UH Maui College. And Lance, in my
10 opinion, my (sound cuts out) - I think I'm having a
11 network issue. Can you hear me?

12 MAYOR VICTORINO: Yes, we can. You went off
13 for a moment.

14 NOELANI AHIA: Okay. So --

15 MAYOR VICTORINO: But go ahead.

16 NOELANI AHIA: I was just saying that Lance is
17 one of the most brilliant people that I've ever met in
18 my entire life. Not only is his academic knowledge,
19 his legal knowledge, his cultural knowledge superior,
20 but his capacity - capacity to make choices that are
21 (unintelligible) for our county, and make decisions
22 that really help uplift the people, and help balance
23 power, and help make sure that we have a county that
24 thrives, for everybody here in Maui. And I just
25 fully, fully support his nomination. And I'm very,

1 very grateful that he's in this position, that he
2 could participate in. So Mahalo nui.

3 MAYOR VICTORINO: Thank you, Ms. Ahia. We
4 appreciate it. Cory, any other testifiers?

5 SECRETARY CORY VICENS: Mayor, we do not have
6 any other testifiers at this time.

7 MAYOR VICTORINO: Seeing no more public
8 testimony, with - with no objections, I will close
9 public testimony. Hearing none - also, have we
10 received any other written testimony, before I move
11 on?

12 SECRETARY CORY VICENS: Mayor, we have not
13 received any other public testimony via written.

14 MAYOR VICTORINO: Okay. I believe you will
15 probably receive a lot more in the very near future.
16 But thank you very much. And let's move on to our
17 first agenda item, which is - which is an appointment
18 of the Chair for the Commission.

19 You know, I - under HRS, I have the duty to
20 appoint the Chair. However, with the spirit of
21 collaboration that I speak of all the time, I am going
22 to ask that I will make a recommendation, but you, the
23 Board, the Commission will be the one to choose. You
24 will select your Chair. And whoever you select, I
25 will appoint as my appointee. My selection was Grant

1 Chun. And you've heard a lot of good things about
2 Grant - an experienced leader throughout this
3 community. The other name that has been brought, Mr.
4 Collins, has also done a lot of good work in this
5 community. You actually have some very good choices.
6 But I will leave it to your decision-making. I will
7 call for nominations from the floor, for Chair of the
8 Charter Commission.

9 COMMISSIONER BATANGAN: Can I ask a - well --

10 MAYOR VICTORINO: There's four --

11 COMMISSIONER BATANGAN: -- a clarifying
12 question? Oh, I'm sorry.

13 MAYOR VICTORINO: And Kuoha - I see Kuoha, and
14 - oh, oh, go ahead, Kauanoe. I'm sorry - I - you
15 know, you guys gotta go quick, 'cause I can't see you.
16 Kauanoe, go ahead.

17 COMMISSIONER BATANGAN: (unintelligible) the
18 permanent Chair, or the temporary Chair for the body
19 to then select its own?

20 MAYOR VICTORINO: This, this would be the Chair
21 of the Commission.

22 COMMISSIONER BATANGAN: Permanently, or
23 temporarily?

24 MAYOR VICTORINO: This would be your permanent
25 - well, I would imagine your permanent Chair, not

1 temporary - your permanent Chair. Any other
2 questions, Kauano?

3 COMMISSIONER BATANGAN: No.

4 MAYOR VICTORINO: Okay. Paul, you had your
5 hand up.

6 COMMISSIONER DESLAURIERS: Yes --

7 MAYOR VICTORINO: Go ahead, Paul.

8 COMMISSIONER CANTO: Yes. Mr. Mayor, I'd like
9 to nominate Grant Chun for the Office of Chair, for
10 the position of Chair.

11 MAYOR VICTORINO: Do we have a second? Well, I
12 see - is that (unintelligible) --

13 COMMISSIONER KAPOI: I'll second.

14 MAYOR VICTORINO: Okay. Okay, Karey. Some -
15 oh - yeah, okay. Are there other nominations from the
16 floor? Yes, go ahead. I don't - I, (unintelligible)

17 MALE SPEAKER: I, I would like to nominate
18 Lance Collins as Chair.

19 MAYOR VICTORINO: Do I have a second?

20 COMMISSIONER OLSON: Ashley Olson, West Maui,
21 second.

22 MAYOR VICTORINO: Okay, Ashley. I, I saw you
23 waving, but you - I couldn't hear you. Thank you,
24 Ashley.

25 COMMISSIONER OLSON: That's quite all right. I

1 still love you, Mr. Mayor.

2 MAYOR VICTORINO: Thank you. Technology - I'm
3 still figuring it out. I'm sorry, everyone. I'm
4 getting better, but - okay, so - there are two
5 nominees - Grant Chun, and Lance Collins. So I will
6 call for the vote. Why don't we do it by a roll call.
7 That way, we have no question who voted for whom.

8 RICHELLE THOMSON: Mr. Mayor?

9 MAYOR VICTORINO: Yes. I'm sorry.

10 RICHELLE THOMSON: Mr. Mayor --

11 MAYOR VICTORINO: Yes - Richelle.

12 RICHELLE THOMSON: Thank you. Thank you. Just
13 - can you just call to see if there are any other
14 nominees?

15 MAYOR VICTORINO: Oh, yeah. I apologize. You
16 are absolutely correct. Are there any other nominees
17 from the floor? Are there any nominees from the
18 floor? Are there any nominees, any more nominees from
19 the floor? Seeing none, I will move to close the
20 nomination for Chair, with no objections. Okay. All
21 right. So, now, Richelle, would you do the roll call,
22 as far as the members, and who they're voting for.

23 RICHELLE THOMSON: Certainly. Thank you, Mr.
24 Mayor. So, in order of nomination, we have Grant
25 Chun. So all those in favor, please raise your hand,

1 and we'll do a roll call vote here. I'm going to go
2 in the order that I see on my screen. Paul
3 Deslauriers? You vote Aye, or No?

4 COMMISSIONER DESLAURIERS: No. No.

5 RICHELLE THOMSON: Lance Collins.

6 LANCE COLLINS: No.

7 RICHELLE THOMSON: Karey Kapoi.

8 COMMISSIONER KAPOI: Aye.

9 RICHELLE THOMSON: Ashley Olson?

10 COMMISSIONER OLSON: (unintelligible)

11 RICHELLE THOMSON: I'm sorry, Ms. Olson - did
12 you say Aye?

13 COMMISSIONER OLSON: No.

14 RICHELLE THOMSON: Okay. Thank you. Ward
15 Mardfin?

16 COMMISSIONER MARDFIN: No.

17 RICHELLE THOMSON: Keoni Kuoha.

18 COMMISSIONER KUOHA: No.

19 RICHELLE THOMSON: David DeLeon.

20 COMMISSIONER DELEON: Aye.

21 RICHELLE THOMSON: Kauanoe Batangan.

22 COMMISSIONER BATANGAN: Aye.

23 RICHELLE THOMSON: Doreen Canto.

24 COMMISSIONER CANTO: Aye.

25 RICHELLE THOMSON: And Grant Chun?

1 COMMISSIONER CHUN: Aye.

2 RICHELLE THOMSON: Okay. So, Cory - can you
3 please hold your hands up, to the Aye votes? Okay.
4 One, two - okay we have five Ayes. And so let's move
5 on to - five Ayes, and six Nos. Let's move on,
6 please, to Lance Collins. And again, I'll go in
7 order. So Lance Collins as Chair - I'll go in order.
8 Mr. Deslauriers - and please correct me if I'm saying
9 your names wrong.

10 COMMISSIONER DESLAURIERS: That's, that's
11 correct, and Yes, for Lance.

12 RICHELLE THOMSON: Ms. Kapoi.

13 COMMISSIONER KAPOI: No.

14 RICHELLE THOMSON: Ashley Olson.

15 COMMISSIONER OLSON: Yes. Commissioner Olson,
16 can you state your vote again?

17 COMMISSIONER OLSON: Yes.

18 RICHELLE THOMSON: Ward Mardfin.

19 COMMISSIONER MARDFIN: Yes.

20 RICHELLE THOMSON: Grant Chun.

21 COMMISSIONER CHUN: No.

22 RICHELLE THOMSON: Keoni Kuoha.

23 COMMISSIONER KUOHA: Aye.

24 RICHELLE THOMSON: David DeLeon.

25 COMMISSIONER DELEON: This is on Lance - this

1 is No. And by the way, I have a point of, of concern.
2 And I didn't even hear Mr. Purdy's vote from the last
3 one.

4 FEMALE SPEAKER: (unintelligible)

5 COMMISSIONER PURDY: Yeah, I was just about to
6 bring that up. I'm sorry, I don't have video, because
7 my internet is very spotty out here.

8 COMMISSIONER DELEON: And how did you vote on
9 the first?

10 COMMISSIONER PURDY: What was the question
11 again on the first?

12 COMMISSIONER DELEON: Lance - on Grant Chun -
13 how did you vote?

14 COMMISSIONER PURDY: I - yeah, it was breaking
15 up, so I was going to ask for a repeat. I just got
16 back on.

17 COMMISSIONER DELEON: I didn't hear six Nos --

18 RICHELLE THOMSON: Well --

19 COMMISSIONER DELEON: I heard five Nos.

20 KEOLA WHITTAKER: I, I, I agree, Richelle. I
21 think we only heard five Nos on the first motion.

22 RICHELLE THOMSON: Okay. So, thank you. You
23 know, with the Commissioners, with your consent, it
24 may be best, since Mr. Purdy was offline, at least
25 for, for a part of, during that vote, can we take the,

1 the votes again, so that we're - I don't want to mess
2 anything up here. And so with your permission, I'd
3 like to go back to the nomination of Grant Chun as
4 Chair. And then, I'll, I'll call again, roll call
5 vote.

6 COMMISSIONER MARDFIN: Could, could, could I
7 suggest that you just poll each member and ask them,
8 Lance or Grant, rather than go through one person, and
9 --

10 COMMISSIONER OLSON: Um-hmm.

11 COMMISSIONER MARDFIN: And, and Yes and Nos. I
12 think it would be clearer.

13 RICHELLE THOMSON: Okay. Sure.

14 MAYOR VICTORINO: I think --

15 RICHELLE THOMSON: That's fine.

16 MAYOR VICTORINO: I agree with you, Ward. And
17 so what we would do is - Richelle, let them vote for
18 whoever they want - Lance or Grant. That way, we can
19 move on.

20 RICHELLE THOMSON: Okay.

21 MAYOR VICTORINO: Because to go that - it seems
22 kind of cumbersome. And then so many people are
23 having spotty reception, and that kind of makes it
24 difficult. So hopefully, we'll work --

25 RICHELLE THOMSON: Okay.

1 MAYOR VICTORINO: -- on that problem. So go
2 ahead. Start from the --

3 RICHELLE THOMSON: Okay.

4 MAYOR VICTORINO: -- beginning, who do you vote
5 for. Okay?

6 RICHELLE THOMSON: Okay, great. Will do. So
7 I'm going to just go ahead, and - I'm going to just go
8 in alphabetical order, so we can make sure not to miss
9 anyone. Kauano'e Batangan?

10 COMMISSIONER BATANGAN: Grant.

11 RICHELLE THOMSON: Doreen Canto?

12 COMMISSIONER CANTO: Grant Chun.

13 RICHELLE THOMSON: Lance Collins?

14 LANCE COLLINS: Lance Collins.

15 RICHELLE THOMSON: Grant Chun.

16 COMMISSIONER CHUN: Grant Chun.

17 RICHELLE THOMSON: Dave DeLeon?

18 COMMISSIONER DELEON: Grant Chun.

19 RICHELLE THOMSON: Paul Deslauriers.

20 COMMISSIONER DESLAURIERS: Lance Collins.

21 RICHELLE THOMSON: Karey Kapoi.

22 COMMISSIONER KAPOI: Grant Chun.

23 RICHELLE THOMSON: Ward Mardfin.

24 MAYOR VICTORINO: Richelle - Richelle --

25 COMMISSIONER MARDFIN: Lance Collins.

1 MAYOR VICTORINO: Can somebody - can somebody
2 mute? Somebody mute themselves. We are getting a lot
3 of interruption.

4 RICHELLE THOMSON: Dave, that may be you. And
5 Ward's online - I can see Ward. So anybody who has
6 their mics on, if you could turn them off. Thank you.
7 Okay. We have - Ashley Olson.

8 COMMISSIONER OLSON: Lance Collins.

9 RICHELLE THOMSON: And George Purdy.

10 COMMISSIONER PURDY: Lance Collins.

11 COMMISSIONER KUOHA: Ms. Thomson?

12 RICHELLE THOMSON: Yes.

13 COMMISSIONER KUOHA: I would like to vote, as
14 well.

15 RICHELLE THOMSON: I'm sorry. I apologize for
16 missing you. Thank you. Go ahead, Keoni.

17 COMMISSIONER KUOHA: Lance Collins.

18 RICHELLE THOMSON: Okay.

19 MAYOR VICTORINO: Ms. Thomson, if I correct -
20 six votes for Lance Collins, five votes for Grant
21 Chun. So I will appoint --

22 RICHELLE THOMSON: Right.

23 MAYOR VICTORINO: -- Lance Collins as the Chair
24 of the 2021 Charter Commission. So, Mr. Collins, that
25 - now that you are duly elected, I will let you take

1 the proceedings over, and move on. Wish you all well,
2 God bless you all. Good luck. And I hope that your -
3 your journey with this Commission will be an enjoyable
4 one, lots of hard work, passion, and commitment, as I
5 said earlier. God bless you all. Mr. Collins, the
6 meeting is yours. I'll see you all - aloha. God
7 bless you all.

8 COMMISSIONER CANTO: Aloha.

9 CHAIR COLLINS: Thank you, Mr. Mayor.

10 MALE SPEAKER: (unintelligible) Mahalo.

11 CHAIR COLLINS: Aloha. Okay. On the published
12 agenda, the next item is the selection of the Vice
13 Chair. Member Olson?

14 COMMISSIONER OLSON: I'd like to nominate Grant
15 Chun as our Vice Chair.

16 CHAIR COLLINS: Okay. Is there a second?

17 COMMISSIONER CANTO: I'll second.

18 COMMISSIONER DELEON: Second.

19 CHAIR COLLINS: Okay. Member Canto?

20 COMMISSIONER CANTO: Yes.

21 CHAIR COLLINS: Okay. Member DeLeon, you
22 raised your hand?

23 COMMISSIONER DELEON: Yeah, also - yeah.

24 CHAIR COLLINS: Oh, I see. Member Deslauriers?
25 Did I say your name correctly? I'm sorry.

1 COMMISSIONER DELEON: We lost him.

2 CHAIR COLLINS: Okay. Oh - okay. Member
3 Deslauriers, Deslauriers, you had your hand raised?

4 COMMISSIONER DESLAURIERS: I was just
5 reconfirming that - for Vice Chair, for, for Grant.

6 CHAIR COLLINS: I see. Okay. Are there any
7 other nominations?

8 COMMISSIONER CHUN: Mr. Chair, before you
9 proceed, would, would you allow me to say a few words?

10 CHAIR COLLINS: Oh - sure, if there's no
11 objections from anybody - please.

12 COMMISSIONER CHUN: Well, fellow, fellow
13 Charter Commission members, I just want to - to be
14 completely transparent, to share that I actually never
15 aspired to be Chairman of the Charter Commission. It
16 really actually never even occurred to me to serve in
17 that role. So, it's flattering that the Mayor, you
18 know, recommended me, and duly flattered, as far as
19 the nice things that people said about me. But I just
20 want to assure you all that it's not a role that I
21 sought out. I just, honestly, am comfortable
22 facilitating as interesting and productive a process,
23 with as much collegiality as we can foster with one
24 another.

25 And so - that said, I just want to allay any -

1 I know you're all very gracious people, and thank you,
2 Ashley, for the nomination as Vice Chair. But don't
3 feel obligated to, you know, throw me a bone. I'm so
4 fine with Lance serving in this role. I really am.
5 And so, I just want you all to know that it's, it's
6 totally cool. And whatever the Commission deems
7 appropriate, I'm happy to serve in whatever, whatever
8 capacity is suitable. So - thank you.

9 CHAIR COLLINS: (sound cuts out) Member Olson?

10 COMMISSIONER OLSON: Mr. Chun - thank you, and
11 I apologize for not asking you first if you were okay
12 with the nomination. But yes, some people spoke very
13 highly of you, and it sounds like you and Mr. Collins
14 might be an excellent team going forward. So I hope
15 that I haven't offended you by nominating you without
16 asking.

17 CHAIR COLLINS: Okay. Are there any other
18 nominations, or - no? Okay. Then if there are no
19 other nominations - all those in favor of Mr. Chun
20 serving as Vice Chair, please say Aye, and raise your
21 hand.

22 (Chorus of Ayes)

23 CHAIR COLLINS: Okay. Any members opposed?
24 Okay. The motion passes unanimously. Mr. Chun will
25 serve as the Vice Chair.

1 I, I wanted to - as - before we move onto the
2 next item of business, I think either it would be
3 appropriate to consider Item B.6 first, or to
4 temporarily, temporarily agree that Robert's Rules of
5 Order will serve as our Rules of Procedure until we
6 have adopted permanent rules. So if - either way is
7 fine, but at this moment, we don't have any rules, and
8 so technically, everything is based on a majority
9 vote. So it, it would just be, I think more orderly
10 either to agree that Robert's Rules of Order would
11 serve temporarily, or to move up the approval of the
12 rules. Member DeLeon.

13 COMMISSIONER DELEON: Mr. Chair, why don't we
14 consider the last Commission's rules, that are
15 existing?

16 CHAIR COLLINS: Okay.

17 COMMISSIONER DELEON: I mean, at least it's a
18 temporary, and if there's, needs to be an adjustment
19 made, make it from there.

20 CHAIR COLLINS: Okay. So you're saying,
21 suggesting to move up 6.B?

22 COMMISSIONER DELEON: Well, we're talking about
23 the rules, right?

24 CHAIR COLLINS: Right. And so --

25 COMMISSIONER DELEON: So another option would

1 be the last Commission's rules, which we have --

2 CHAIR COLLINS: Which is under 6.B.

3 COMMISSIONER DELEON: -- (unintelligible) on,
4 on the agenda.

5 CHAIR COLLINS: Right, which is under 6.B.
6 Okay. Member Batangan?

7 COMMISSIONER BATANGAN: I was like, even going
8 to suggest the latter option, to agree - Robert's
9 Rules until Item 6 comes up on the agenda. Since we
10 do have, you know, people here to present, I don't
11 want to hold them up from the rest of the duties that
12 they have throughout the day. You know, they made it
13 a point to come, and to share their (unintelligible)
14 with us, and let's be respectful of their time, and
15 just temporarily adopt rules until we're able to
16 (unintelligible) permanent ones.

17 CHAIR COLLINS: Okay. And I think, actually
18 Robert's Rules of Order is one of the rules in the
19 last rules of the last Charter Commission.

20 COMMISSIONER DELEON: Correct.

21 CHAIR COLLINS: Yeah. So I guess - does
22 anybody else have any comments, or feedback, or
23 questions? Member Kuoha?

24 COMMISSIONER KUOHA: I'd just like to second
25 Mr. Batangan's motion, if that was a motion.

1 CHAIR COLLINS: Okay. A motion to temporarily
2 adopt Robert's Rules of Order, seconded by Member
3 Kuoha. Member Canto? Oh, you're - I think you're
4 muted, or I can't hear you

5 COMMISSIONER CANTO: Oh, I - (muted)

6 CHAIR COLLINS: Okay. Sorry - I'm sorry. I --

7 COMMISSIONER DELEON: You're muted again.

8 CHAIR COLLINS: You're - I think you're still
9 muted.

10 COMMISSIONER CANTO: Are you there?

11 CHAIR COLLINS: Yes.

12 COMMISSIONER CANTO: Okay. No, I am in
13 agreement. I'm fine.

14 CHAIR COLLINS: Okay. Any additional
15 discussion? Seeing none, all those in favor, say Aye,
16 and raise your hand.

17 (Chorus of Ayes)

18 CHAIR COLLINS: Any person opposed, any member
19 opposed? No. Okay. Then we will temporarily --

20 RICHELLE THOMSON: Chair --

21 CHAIR COLLINS: Yes.

22 RICHELLE THOMSON: And just one quick one. And
23 since Commissioner Purdy is only available by phone,
24 we may need to get his vote by voice, and --

25 CHAIR COLLINS: Okay.

1 RICHELLE THOMSON: Just so we keep it all, all
2 straight. Thanks.

3 CHAIR COLLINS: Sorry. Yeah, I, I heard his
4 voice in, in that - in the last one. Okay. And the
5 next item on the agenda is Item B.3, which is a
6 presentation by County Clerk, Kathy Kaohu. Is, is the
7 County Clerk on the line?

8 KATHY KAOHU: Yes. Thank you, Chair.

9 CHAIR COLLINS: Oh. Thank you.

10 KATHY KAOHU: Good morning. And
11 congratulations, Commissioners on your appointment.
12 My name's Kathy Kaohu, and I'm the Clerk of the
13 Council. And at this point, I'd like to introduce
14 Deputy Clerk, James Krueger, who will take you through
15 a brief overview of yes, the relationship that the
16 Clerk's office will pay with the Charter and Charter
17 amendments.

18 JAMES KRUEGER: Good morning, everyone. Chair,
19 if it's okay, can I share my screen, so I can show you
20 guys a presentation?

21 CHAIR COLLINS: Please. I, I don't have any
22 control over that. So whoever is the host of this
23 meeting, if they can allow that.

24 JAMES KRUEGER: And if - it looks like --

25 KATHY KAOHU: James, you can.

1 FEMALE SPEAKER: Welcome to every classroom for
2 the last 15, 16, months.

3 JAMES KRUEGER: Okay. Can everybody see my
4 presentation okay? Perfect. Well, good morning --

5 MALE SPEAKER: Yes.

6 JAMES KRUEGER: -- everyone. Okay. My name is
7 James Krueger. I'm, I'm the Deputy County Clerk. Oh,
8 sorry. I'm getting feedback from someone. Does every
9 - does it sound okay now? Okay. Yeah. And this
10 morning we just have a brief presentation for you all,
11 relating to the election process, and - Charter
12 amendments, specifically, and just some of the things
13 that we're on the lookout for when it comes to Charter
14 amendments for our next year's general election.

15 So, for Charter amendments, you know, the
16 Charter amendment process is primarily dictated by
17 Article 14 in our Charter, as well as there's HRS.
18 There's HRS laws on the Charter amendments. But for
19 us, most of that, from the Clerk's Office, we're
20 primarily concerned with what the Charter dictates for
21 us to do.

22 So Charter amendments can be proposed for - in
23 four ways. The first way is by Council. The Council
24 can generate its own proposed Charter amendments.
25 What they do is they create resolutions proposing

1 those Charter amendments. And if the Council passes
2 those resolutions, by two readings on separate days,
3 by a vote of six or more members, then those, those
4 proposals will be forwarded to the voters at the next
5 general election.

6 Charter amendments can also be proposed by
7 petition. If a petition that has not less than 10% of
8 the voters registered in the last general election,
9 you know, setting forth proposed amendments, then if
10 that's presented to the Council, then what our role in
11 that is, is we have to go through that petition. We
12 have 15 days to determine that, you know, those
13 signatures are apparently genuine, and that there are
14 enough of those to meet that 10% threshold. If so,
15 then the Council, within 45 days, they need to hold a
16 public hearing to pass the proposed resolution, or to
17 not pass the proposed resolution, to determine whether
18 to forward those amendments to the voters by
19 resolution.

20 Then, there's also another petition that has a
21 20% voter signature threshold. If that petition's
22 presented to the County Clerk and we determine that
23 there are enough apparently genuine signatures on that
24 petition within 15 days, then the amendments will just
25 be directly forwarded to the voters at the next

1 general election.

2 So - 10%, the Charter - if the, the petition
3 has 10% of the voters sign, then the Council needs to
4 pass a resolution to forward that. If it has 20%,
5 then it's just automatically forwarded to the voters
6 at the next general election.

7 And then the last one is, of course, you guys -
8 the Charter Commission. So for the Charter Commission
9 - the Commission's proposed amendments, or newly
10 drafted Charter - they need to be submitted to us
11 within 16 months after the Commission has been
12 appointed, and after earlier review by the Council, if
13 that's what State law requires. Then the Clerk will
14 submit those amendments to the voters of the county at
15 general election, or a special election, as you guys
16 may deem. The special election would be held not less
17 than 45 days, but no more than 75 days after the Clerk
18 receives the amendments. But that's, that's
19 specifically for special elections.

20 Then another kind of thing that goes along with
21 this is that the Commission must also publish not less
22 than 45 days before an election, at least once, in a
23 newspaper of general circulation within the county, a
24 brief digest of those amendments or the new Charter,
25 and notice that copies of those amendments or new

1 charter is available with us, the County Clerk's
2 Office.

3 We also have this same deadline, to publish a
4 digest of other proposed amendments, you know, if the
5 Council passes a resolution, or if one's suggested by
6 a petition. We also have that 45-day deadline to
7 publish our own digest (unintelligible).

8 So, all of that's a lot of information. But I
9 guess the, the best way to look at it, is as a
10 breakdown of dates that we're on the lookout for.

11 So the general election for next year is
12 November 8th. Then working backwards from that, 45
13 days before that, we need to publish that digest, and
14 so do, so do you all. That date is September 24th,
15 2022. There is another deadline before that, that we
16 also need to be cognizant of, primarily us, the
17 Clerk's Office, and that's any question that's going
18 to be submitted on a general election ballot, that
19 needs to be submitted to the Chief Election Officer by
20 August 25th. They have a - I believe the deadline is
21 75 days prior to the general election, those questions
22 need to be submitted and finalized. And then the
23 final deadline for the Commission to provide your
24 final amendments, or your - for final proposed
25 amendments, or the new Charter to us so that we can

1 prepare all of this - that's June 20th, 2022.

2 I believe there are earlier deadlines that you
3 all need to be cognizant of, of, you know, depending
4 on whether or not - when the Commission presents
5 amendments to the Council, and the Council, you know,
6 if the Council doesn't propose any revisions to that
7 amendments, then I think there's an earlier deadline
8 that amendments need to be provided to our office.

9 But yeah, that, that time's - the, that time's not set
10 by Charter. It, it's - there's a timeframe that that
11 needs to occur. So, you know, we'd defer to, to Corp.
12 Counsel to, to assist you guys with determining what
13 day that needs to happen. But we'll, we'll be
14 monitoring, and, and be on the lookout for that, too.

15 That's all I have for you all this morning.
16 But we're available for questions, if anyone has any
17 questions for us.

18 CHAIR COLLINS: At this moment, I can only see
19 the hand of member Batangan - if you have a question?

20 COMMISSIONER BATANGAN: Yes. Thank you, Chair.
21 So I have a question. We have 16 months from the date
22 of appointment of the Council. The Council meeting to
23 appointment of us was February 19th. The Resolution to
24 appoint us had an effective date of March 1st. Which
25 one of those dates do we need to be cognizant of when

1 we start our time clock?

2 JAMES KRUEGER: My understanding is, is that
3 the June 20th, 2020 deadline, that's - those are the 16
4 months. I, I believe that works off of that - 19th.
5 But you know, we'll, we'll defer to our Corp. Counsel
6 that that might be for her - that might be more of a
7 legal question. But our current understanding is June
8 20th.

9 FEMALE SPEAKER: Chair (unintelligible)

10 MALE SPEAKER: Mr. Krueger?

11 FEMALE SPEAKER: (unintelligible)

12 CHAIR COLLINS: I see Commissioner Ward has his
13 hand up.

14 COMMISSIONER MARDFIN: Right. Mr. Krueger, I
15 think it was the previous slide, you - and maybe it
16 was two slides back - you said something about these
17 have to be available in the Office of the County
18 Clerk. That seems - particularly in these days, that
19 seems very limiting. Is there anything that would
20 prevent us, or you, from posting these on some sort of
21 website so that everybody in the county has the
22 opportunity to see it?

23 JAMES KRUEGER: No, no - that - there, there is
24 no limitation on that. You know, and, and what we did
25 with this - for the last general election cycle, what

1 happened was - the only amendments that were proposed
2 were proposed by Council resolution. But we did put
3 those up online on a site for everybody to see. So we
4 certainly could take, take a look and, and see if
5 something similar would, you know, we could put
6 something similar for whatever the, the Charter
7 Commission up with. And you know, my understanding is
8 there's - I don't think there's anything limiting the
9 body itself to do something similar. But you know, I,
10 I guess - I don't advise you all, so.

11 COMMISSIONER MARDFIN: Thank you very much.

12 CHAIR COLLINS: Let's see. Are there any other
13 members that have any questions? Member Batangan.

14 COMMISSIONER BATANGAN: Yeah. I have a follow-
15 up question. And I think this might be more geared
16 towards Corp. Counsel. Since the Council didn't
17 appoint two of our members, does that affect the
18 February 19th appointment for this body? And then,
19 two, I guess, what was the point of having an
20 effective start date in our resolution, if everything
21 is going off of our Council date?

22 CHAIR COLLINS: I think that question is
23 directed towards Corporation Counsel. Is there
24 somebody from Corporation Counsel that could answer
25 that question? Oh, yeah, and I'm sorry - can we also

1 exit screen sharing, so that it's easier - thank you.

2 RICHELLE THOMSON: Thanks, Chair. Do you mind
3 restating the question?

4 COMMISSIONER BATANGAN: Yes. So if we're using
5 February 19th, the day the Council adopted the
6 resolution to appoint most of us, is there any issues
7 with the fact that two of our members were not
8 appointed in that resolution, when using that for the
9 effective date of this body? And then, two, I guess,
10 what - why was there a effective start date for our
11 appointment, if everything is based off of the date
12 that the Council appointed us?

13 RICHELLE THOMSON: Got it. Those, those are
14 great questions. So there's, there's no definition of
15 appointment, you know, relevant to, to the Charter
16 Commission's appointment date. The conservative, you
17 know, the most narrow reading is if we take the 19th,
18 since that's also the date, I believe, I'm going from
19 memory, but I believe that's also the date of the two
20 Commissioners appointed by the Mayor. So that, that's
21 the date that we used to calculate the deadlines. But
22 we can look into it further, in terms of whether the -
23 March 1st is a more appropriate date, or not.

24 One of the other - so there's the 16 months -
25 that's just one of your deadlines. But in Kaohu's

1 presentation, which will come up shortly, we kind of
2 lay out all of - many of your other deadlines that
3 are, you know, and - well, based on the Charter, or in
4 State law. So that's, you know, that's something that
5 we can take more of a look at going forward. You
6 know, it, it does make a little bit of a difference.
7 But if we want to use the most conservative, we would
8 use the 19th, and base everything off of that.

9 COMMISSIONER BATANGAN: And when we calculate
10 these, I'm assuming it's calendar days, rather than
11 working days?

12 RICHELLE THOMSON: Yes . So we use calendar
13 days, not working days. There is a little bit of a
14 caveat to that. Certain of the deadlines - as you'll
15 see in the presentation - fall on the weekend. So
16 what we're recommending is that we, you know, use the
17 working day, the - you know, like if it falls on a,
18 you know, on a Saturday, that we use the Friday. And
19 one of those is the day that things are turned over to
20 the Clerk's Office, going (unintelligible).

21 COMMISSIONER BATANGAN: Thank you.

22 CHAIR COLLINS: Are there any other questions
23 for the Deputy County Clerk? Okay. I actually have
24 one questions, and maybe this is something that can't
25 be immediately answered - is - what is the cost of

1 mailing something to every registered voter, or what's
2 the range?

3 JAMES KRUEGER: Hmm, let's see, we have it -
4 could take a look at the postage, but I don't remember
5 the number offhand. Kathy, are you still there? Do
6 you have - do you recall?

7 KATHY KAOHU: Well, at the very least, the, the
8 going rate for a letter is 55 cents. As of October
9 31st, our total registered voter count was 108,307,
10 which - it's - the numbers continue to climb. We
11 could - well, it wouldn't come from us. It would come
12 from the Commission, for sure. And - maybe in the
13 form of a postcard. I would have to check on that
14 with the Postal Service. I can check on --

15 CHAIR COLLINS: Yeah.

16 KATHY KAOHU: -- some numbers for you.

17 CHAIR COLLINS: Sure - sure. Could you? Yeah,
18 because I, I just - I guess my question is not just
19 postage, but also printing. But I think with --

20 KATHY KAOHU: Oh (unintelligible) printing.

21 CHAIR COLLINS: -- postage, the question is - I
22 assume if you're going to be dropping tens of
23 thousands of items, that you wouldn't be paying first
24 class, a first class rate. So - anyways, yeah, if,
25 if, if - I would appreciate it if you could get us

1 that information, because that might be useful at, at
2 a later point. Okay. And --

3 KATHY KAOHU: Chair, I, I --

4 CHAIR COLLINS: Go ahead, Kathy
5 (unintelligible)

6 KATHY KAOHU: -- just wanted to add one more
7 thing. So autonomous is a big thing in - between the
8 Clerk and the Commission, or even candidates. We're
9 the go-between between the registered voters, and the
10 people on the ballot. So we're very cautious that
11 there is a line between anything that's going onto the
12 ballot and the people that represent those items, and
13 the general voting public. So, we are required to do
14 certain publications, and notices by Charter, which we
15 follow. But they're very cut and dry - you know, like
16 it's, it's not - like, our version of what we think a
17 Charter amendment might mean with, with a Yes vote
18 versus a No vote. What we publish is basically the
19 resolutions that come out and are acted upon by the
20 body. So any type of educational piece would come
21 from the Commission. But because we do a lot of
22 mailing, I'll be able to at least give you an idea of
23 what kind of rates you can expect to see.

24 CHAIR COLLINS: Okay. Thank you very much.
25 Member Deslauriers, you had - Deslauriers, you had

1 your hand raised awhile --

2 COMMISSIONER DESLAURIERS: Yes, for mailings
3 that we've done for countywide, I think was, plus the
4 printing, was \$18,000 - so just to give you kind of a,
5 a number to look at. But that's for all the
6 residents, though. Yeah.

7 CHAIR COLLINS: Okay. Member Olson, you also
8 had your hand raised?

9 COMMISSIONER OLSON: The - I'm diverging a tad
10 bit. But I'm hoping that moving forward in
11 subsequence meetings, that perhaps our Chair and Vice
12 Chair can have co-hosting abilities, in order to
13 screen share, and/or mute, or unmute individuals, and
14 I think that might help in the long run.

15 CHAIR COLLINS: Okay. We will talk with, with
16 the staff on doing that, and getting any necessary
17 training, as well. Okay. Are there any other
18 questions for the Deputy County Clerk, about his
19 presentation, by the members? Seeing and hearing
20 none, Mr. Krueger, thank you very much for your
21 presentation today. We appreciate you taking the time
22 to, to make it. And we look forward to working with
23 you. Thank you.

24 JAMES KRUEGER: Thank you all very much.

25 CHAIR COLLINS: Okay. The next item of

1 business is B.4, which is the orientation on the
2 Sunshine Law, Chapter 91, Maui County Code of Ethics,
3 and the Commission's Powers, Duties, and Functions, by
4 First Deputy Corporation Counsel Richelle Thomson, and
5 Deputy Corporation Council Keola Whittaker. Is - is -
6 -

7 FEMALE SPEAKER: (unintelligible)

8 CHAIR COLLINS: Is, is Corporation Counsel
9 ready?

10 RICHELLE THOMSON: I am. Hi, Chair. Thank
11 you, and congratulations Chair, and Vice Chair Chun,
12 and all of the Commissioners - really look forward to
13 working with all of you. This is, you know, an
14 incredible Commission to be advisory to, and you know
15 - so we, we want to make sure that you have the
16 opportunity to reach out to me or, or Keola, and you
17 have our contact information. We are available to you
18 as resources, and look forward to helping you on that.

19 I'm also going to screen share. And so - let's
20 see. One second. All right. Can everyone see that,
21 the - the presentation? Everything okay? I'm going
22 to get going.

23 So the topics I'm going to cover - the role of
24 the Corporation Counsel, our department, the role of
25 Commissioners, Hawaii Open Records Law, called UIPA

1 for short, the Sunshine Law, and the Code of Ethics.

2 So, the role of the Corporation, Corporation
3 Counsel - this is from the Charter, it's Section 8-
4 23.2 - so we are the - our department is the chief
5 legal advisor, and legal representation,
6 representative of the County itself, for the Council,
7 the Mayor, all departments, and all boards and
8 commissions, and also of all officers and employees in
9 matters relating to their official duties, unless
10 provided otherwise in the Charter. That means that we
11 are your, your legal advisor, and legal
12 representative.

13 Every action of the Commission has its own set
14 of legal standards, just like all boards and
15 commissions, and a lot of this is based on layers of
16 State and County laws.

17 So our job is to advise and assist the
18 Commission in carrying out your legal duties. Our
19 role is not to police you, manage you, or control you.
20 We're here to help you, and advise you. And so I -
21 you know, I want to make that clear, because there's a
22 little bit of misconception, you know, that we have
23 even the, the power to be able to make decisions. We
24 don't. We're advisors. You don't have to take our
25 advice, but our job is to thoroughly research things,

1 and provide you the best advice and help that we can,
2 and we take it seriously.

3 The role of the Commissioners - you know, and
4 this is something I tell all of the boards and
5 commissions that I advise.

6 KEOLA WHITTAKER: Richelle, I just --

7 RICHELLE THOMSON: Uh-huh?

8 KEOLA WHITTAKER: But - I think you mean to
9 move your - the slides. And we, we still see the --

10 RICHELLE THOMSON: Thank you.

11 KEOLA WHITTAKER: -- first slide.

12 RICHELLE THOMSON: Aha. Thanks, Keola. I'm
13 looking at a different - thank you. That's why
14 there's two of us - keep each other on track, too.
15 Okay. So the role of the Commissioners. Like I was
16 saying, this is something that I tell all of the, all
17 of the boards and commissions that I work with. It's
18 important to understand the laws that you're working
19 under, so that you can best do your jobs. And we'll
20 help you with understanding those laws, and providing
21 research if you need it.

22 So one of your first official duties will be
23 adopt, to adopt rules of practice and procedure.
24 You're under, you're operating temporarily under
25 Robert's Rules of Order, which is a common, basically

1 default or catch-all for most all the boards.
2 Normally, Sunshine Law boards would have to follow the
3 process in HRS Chapter 91, which is related to
4 administrative rulemaking. But State law, Chapter 50
5 HRS, excepts Charter Commissions from having to follow
6 that rulemaking law. The reason that that's important
7 is that that takes quite a bit of time, if you had to
8 publish and adopt rules kind of the standard way. It
9 would involve creating the draft rules, you know,
10 fully vetting them in a, in a committee, and in
11 meetings, public meetings. You would have to publish
12 them in, in the newspaper, hold a public hearing, and
13 then adopt them.

14 So it's very important for this body, because
15 of the strict timelines that you operate under, that
16 you're able to adopt administrative rules quickly.
17 You can adopt them today, and in fact, the State law
18 advise - really requires you to adopt your rules of
19 procedure, kind of fresh out of the gate. Okay.

20 So, Hawaii Open Records Law. The reason that I
21 wanted to briefly touch on this is that Commission
22 documents include all documents related to your
23 business, including those distributed to and between
24 the members of the Commission, any subcommittees, or
25 investigative committees. UIPA, which is the Uniform

1 Information Practices Act, it's our shorthand - UIPA
2 public documents may also include emails, and text
3 messages. So, you know, these documents and
4 communications between Commission members are subject
5 to discovery. The reason I want to tell you that is
6 so that you're all aware that if we get requests, UIPA
7 requests for Commission documents, we are going to be
8 asking you potentially to go through your files, and
9 turn over responsive documents. So, you know, be
10 aware that you have the obligation to both keep and
11 maintain documents, but also, you want to know that
12 the things that you put in, you know, to each other
13 about Board business, are subject to discovery.

14 There are some classes of documents that are
15 not subject to, or that would be provided in redacted
16 form. And that would include attorney work products,
17 things drafted by, say, Keola or I for the Board, and
18 attorney-client privileged communications, such as
19 emails containing advice to - and - you know, to -
20 from us to Board members, and you know, back and forth
21 communications, so that we can have, you know, full
22 and frank discussions between, you know, client - the
23 client, Commission, and, and us.

24 So one of the things that, you know, I'm just
25 going to mention and touch on briefly is that

1 communications to and from attorneys who are not with
2 the Department of the Corporation Counsel, including
3 attorneys in the public, or attorneys from other
4 branches of County government, are not considered the
5 Board's attorneys under the Charter. And thus,
6 communications with them would likely not be
7 privileged. So, you know, you couldn't rely on,
8 'Well, it came from an attorney; therefore, I don't
9 have to disclose it.' It depends which attorney, and
10 in what role they're playing.

11 I'm going to move on, to the Sunshine Law. And
12 I have a few slides here. I may go through them a bit
13 quicker. If anyone has questions, though, please feel
14 free to stop me. So, the Sunshine Law --

15 CHAIR COLLINS: Would, would you - sorry - for
16 just a second --

17 RICHELLE THOMSON: Okay --

18 CHAIR COLLINS: -- would you prefer to --

19 RICHELLE THOMSON: Yes.

20 CHAIR COLLINS: -- have questions on each of
21 these different areas, like, before you go on to the
22 next area, or is it okay if we ask questions when
23 you're done with your presentation?

24 RICHELLE THOMSON: Either way you prefer,
25 Chair.

1 CHAIR COLLINS: Okay. Well, I guess if, if
2 anybody has any questions at this point, you can
3 either ask it now, or you can wait - possibly, there
4 might be an answer later in the presentation. Okay.
5 Nobody has any questions at the moment. Go ahead.
6 Sorry to interrupt.

7 RICHELLE THOMSON: No, not at all. Thank you.
8 So, Hawaii's - the Sunshine Law comes from Hawaii
9 Revised Statutes, it's Chapter 92. The purpose of
10 this Sunshine Law is to open up the business of
11 government to public scrutiny, and to provide
12 opportunities for public participation. That's kind
13 of the, the foundation of the Sunshine Law.

14 So the Sunshine Law applies to all State and
15 County boards, commissions, and legislative bodies,
16 except the Hawaii Legislature. Meetings are open to
17 the public. Agendas need to be posted six calendar
18 days prior to the meeting, and they must be - they
19 must include the items to be discussed. Testimony -
20 the public has the opportunity to provide oral or
21 written testimony, and the Commission can set a
22 reasonable time limit. So, it's common that they have
23 a, you know, three minute time limit, and that's per
24 item. So if people want to speak on multiple items,
25 they have, you know, three minutes per item.

1 Minutes are not required to be verbatim
2 transcripts. However, former Charter Commissions have
3 used the services of a court reporter, or a
4 transcription service to produce verbatim minutes.
5 So, you know, we'll take our instruction from you on
6 that. The cost of minutes is not - for, you know, a
7 verbatim transcript, transcripts, is not inexpensive.
8 My understanding is that it may - approximately, you
9 know, a, a thousand dollars per meeting, a four-hour
10 meeting. And Cory can correct me on that, or add to
11 it. You know, so it's, it's not - it's not
12 inexpensive. We have budgeted for that, but like I
13 said, State law does not require it. State law
14 requires that you have basically, summary minutes, and
15 the law requires, you know, date, time, place of the
16 meeting, you know, a record of the members who are
17 present and absent, and the substance of all matters
18 that were proposed, or discussed, or decided upon, and
19 then the votes taken. That's what the law requires.

20 So, the Sunshine Law also has what are called
21 permitted interactions. These are interactions that
22 are - you can do outside of a publicly noticed
23 meeting.

24 So Board business - let's see. Board business
25 includes matters over which the Commission has

1 supervision, control, jurisdiction, or advisory power.
2 The reason it's important to have that definition of
3 board business in your minds is those are, those are
4 the things that are - that you either know, or are
5 likely to come before the Charter Commission as you go
6 through your process. And the reason that it's
7 important to know the definition is that you should
8 avoid discussing board business outside of a publicly
9 noticed meeting, unless you're part of an
10 investigative group, or are in another setting where
11 there's an exception.

12 You know, really, I tell my board and
13 commissioners - if you can avoid talking about board
14 business with other commissioners outside of meetings,
15 that's really the best route. There is a permitted
16 interaction for two members of a board to discuss
17 board business together, so long as they don't make a
18 commitment to vote. But it's awfully easy, especially
19 in a small community like we're in, to, you know - one
20 of those commissioners then goes on and talks to
21 another commissioner, and pretty soon you have what's
22 called serial communications, and that is a violation
23 of the Sunshine Law. So - schedule lots of meetings,
24 and do them in public.

25 MALE SPEAKER: Ms. Thomson?

1 RICHELLE THOMSON: Uh-huh?

2 MALE SPEAKER: I have a quick question.

3 RICHELLE THOMSON: Sure.

4 MALE SPEAKER: And it's not on this one - it's
5 the previous one. You said it was a thousand dollars
6 a meeting if we get full transcripts. What is it if
7 we get just a summary?

8 RICHELLE THOMSON: Those summary minutes - I
9 don't know that there's necessarily a cost to it. It
10 depends on who does it. That is - so one of the items
11 that's later on in your agenda is going over, kind of
12 the job qualifications for a secretary. And that
13 would probably be something that the Board Secretary
14 would handle, in terms of doing these summary minutes.

15 MALE SPEAKER: Yeah, we're talking hundreds of
16 dollars, not thousands - a thousand dollars.

17 RICHELLE THOMSON: Right. And it would - you
18 know, it would be part of - a part of what they would
19 do for you in, in terms of their job duties. Yeah, it
20 wouldn't be - it wouldn't be in the nature of a court
21 reporter.

22 MALE SPEAKER: Thank you.

23 COMMISSIONER OLSON: As a follow-up to that -
24 this is Ashley Olson - are these meetings not recoded
25 in BlueJean?

1 RICHELLE THOMSON: Okay - yes, they are. So
2 this meeting is recorded, and that's actually what is
3 the, the recording of the meeting is what's being sent
4 to a transcription service. Like, for the Board of
5 Ethics, that's how the Board of Ethics meetings, which
6 are transcribed fully - they're sent out to a,
7 transcription service, and then that comes back for
8 adoption later on. But yes, they're, they're
9 available, and - I don't know if we're going to be
10 posting the BlueJeans videos online. We don't
11 normally do that, but Akaku is provided the BlueJeans
12 meeting. And so it'll be televised, you know, as
13 other board and commissions are, via Akaku, as well.

14 COMMISSIONER OLSON: Thank you.

15 RICHELLE THOMSON: Um-hmm.

16 CHAIR COLLINS: Ms. Thomson, I just want to ask
17 this, since we're on this topic of minutes.

18 RICHELLE THOMSON: Sure.

19 CHAIR COLLINS: Is, is one of the reasons for
20 having a written transcription is that if proposals
21 are ratified by the voters at some future point, if
22 there's a question about what the meaning of some -
23 what a, an amendment is, that having a complete
24 transcription of our deliberations can help in some
25 way guide what the meaning of a particular provision

1 might be? Is that - is, is that the main purpose for
2 having a full transcription? Or is there some other
3 purpose?

4 RICHELLE THOMSON: You know, I don't know, in
5 terms of prior Charter Commissions, you know, the
6 reason for having a, a transcription. It may have
7 just been the way that that was done for all boards
8 and commissions at that point in time. But I, I think
9 you're, you're very correct, you know, that when
10 you're looking to legislative history, or the history
11 of, you know, how something was adopted, it's
12 important sometimes to - it's not - you know, you
13 can't just tell by a, a vote count, how people got to
14 the decision that they made. And sometimes that's
15 very important. So I, I agree with you. It's the,
16 you know, legislative history, for lack of a better
17 term, to, you know, to preserve that. So you know, it
18 may, it may be that certain of your meetings, you
19 know, that it would be valuable to have those
20 transcribed, and others, potentially not. So you
21 know, obviously, that is a, a choice that you folks
22 can make.

23 Right now, we're set up to, you know, and, and
24 gearing up for every meeting to be transcribed. But
25 we can modify that, so that you can give that some

1 thought.

2 CHAIR COLLINS: Okay. Member Kuoha has his
3 hand raised.

4 COMMISSIONER KUOHA: Thank you. Ms. Thomson, I
5 - while we're on one on one, and serial
6 communications, I'd, I'd like a little more
7 information and understanding around, around that
8 issue. And specifically, how serial communications
9 might be deemed inappropriate under the Sunshine Law.
10 Could you give us some examples, or, or a little more
11 clarity around that?

12 RICHELLE THOMSON: From - there are, you know,
13 a, a fair amount of guidance on the Office of
14 Information Practices website, on serial
15 communications, and how board member can conduct
16 themselves to stay between the, between the lines and
17 all. So - really, the point, the point that, as I
18 understand it, that OIP makes is, you know, that game
19 of Telephone that we all played when we were, when we
20 were kids - you know, where you start, you know, a
21 story and you tell one person. And that person tells
22 another person.

23 You know, because you're a Sunshine Law board,
24 and decisions are supposed to be made, you know, in,
25 in a public forum so that the public has the

1 opportunity to, you know, know what the decisions are
2 made, and how they're made - you know, that's, that's
3 behind the reason that they have, like kind of, more
4 strict guidance on serial communications. But they've
5 said serial communications can be, you know, one on
6 one, where you know, Commissioner A sits down with
7 Commissioner B - that would be a permitted interaction
8 because it's two commissioners. You can discuss board
9 business between two commissioners, as long as you
10 don't make a commitment on how you're going to vote.

11 But if either one of - you know, Commissioner A
12 or Commissioner B goes and talks to Commissioner C,
13 you know, then that's more - that's, you know, that's
14 now three, three commissioners involved in a
15 discussion - even though it's, you know, a set of two
16 and then a set of two - you could - you could figure
17 out that you could get to all commissioners very
18 quickly, if it's just doing a bunch of one on one
19 communications.

20 They've also said that communications using any
21 go-betweens - and I think that the Chair's familiar
22 with, with this, this particular situation which
23 involved the Maui County Counsel some years ago - you
24 know, even with staff circulating memos, with, you
25 know, the encouragement to, you know, support a vote

1 and kind of thing that, I mean, that was a Sunshine
2 Law violation.

3 Email, you know, email can be used for serial
4 communications, you know, or emails to, you know, all
5 commissioners - that kind of thing. So it's a - you
6 know, it - like I said, it's really better, you know,
7 to confine your, your Board business to an open
8 meeting, unless you're a part of an investigative
9 group, and then, you know, that's, that operates by
10 different, different rules that I'm going to get to in
11 just a little bit. (cuts out) answered that question.
12 In fact, we're going to get to --

13 COMMISSIONER KUOHA: It did.

14 RICHELLE THOMSON: -- permitted interactions
15 right now. So - and --

16 MALE SPEAKER: And may I have one follow-up
17 question to that? I'm sorry.

18 RICHELLE THOMSON: Sure. Oh, not at all.

19 MALE SPEAKER: (unintelligible). So just to
20 understand the, the fuller picture of, of, of these
21 conversations - would you, would you share with us how
22 an infraction might be identified? And then what are
23 --

24 RICHELLE THOMSON: Um-hmm.

25 MALE SPEAKER: -- some of the common, the

1 common repercussions from a, a refraction -
2 infraction?

3 RICHELLE THOMSON: So, the - the Sunshine Law
4 is, it's really self-policed, you know. So, but -
5 although we'll, we'll get to it in a, in a little bit
6 down - down later in the presentation. Any person can
7 bring an action to, you know, alleging a violation of
8 the Sunshine Law. So, that's not limited to just
9 members of your own body. It can be someone from the
10 public - can say, you know, that, you know, that -
11 alleging an - a, a violation of the Sunshine Law. So
12 the way it, it comes to light can be, you know, pretty
13 much anything, you know - even, you know, the
14 discovery of emails between, you know, multiple
15 commissioners, or you know, things like that.

16 As far as the penalties, the - whatever
17 decision was made that had inappropriate interactions
18 kind of involved in it, could be - is voidable. So it
19 could be basically overturned. There are - for
20 willful violations, meaning you intended to do it, for
21 willful violations, it could be a misdemeanor, and it
22 could be, also involve removal from the board.

23 So I haven't really seen that come up very
24 much. I think the Chair could probably give you -
25 because, you know, he's been involved in bringing some

1 of these actions, so he's, you know, a terrific
2 resource to make sure everybody stays on the - like I
3 said, stays between the lines. Did that answer the
4 question?

5 MALE SPEAKER: Yes. Thank you very much.

6 RICHELLE THOMSON: Sure. There's a little bit
7 more on it, later in this - in a couple slides. So,
8 many of the permitted interactions under the Sunshine
9 Law involve two or more, but less than quorum. So for
10 this board, you're an 11-member board, quorum is six.
11 So you're talking about permitting interactions
12 involving between two and five commissioners. And
13 like I said, that doesn't - the - that's different
14 than the two members discussing board business. There
15 are permitted interaction for two, two or more
16 members, or two to five members can be assigned to a
17 temporary investigative group. Two or more members
18 can discuss the selection of the board's officers.

19 And then there are - a permitted interaction -
20 this is - there are - meetings often - not often, but
21 sometimes need to be cancelled for lack of quorum.
22 So, say there are, you know, five members present, and
23 the sixth had car trouble, or you know, couldn't show
24 up. So you don't have quorum, but you have a
25 presentation, and you have testifiers. So rather than

1 inconvenience those people who could come to testify
2 or present, the members who are there can receive the
3 testimony and the presentation, they can question the
4 testifiers, and the presenters. But the members
5 themselves can't deliberate. And there's a few more
6 things, you know - they need to report back to the
7 board at the next meeting and all. But that's, that's
8 a permitted interaction.

9 And also, two or more members, but less than
10 quorum, can attend informational meetings related to
11 board business - informational meetings with other
12 bodies.

13 So, we recently reached out to OIP in the last
14 couple of weeks to discuss the Charter Commission's
15 2011 rules, which are on your agenda for
16 consideration, and we just referenced. Those 2011
17 rules allow for standing committees, subcommittees,
18 and special committees, which you know, is a little
19 bit unusual in the County's boards and commissions.
20 And OIP confirmed that a conservative application of
21 the Sunshine Law would render these types of standing
22 committees, subcommittees, and special committees also
23 subject to the Sunshine Law. OIP recommended, and,
24 and our office concurs that the best route for
25 establishing committees that are not subject to the

1 Sunshine Law requirements, is to set up one more TIGs,
2 or Temporary Investigative Groups, with limited scopes
3 of investigation. And so these are allowed under the
4 Sunshine Law, and they can authorize a subset of, of
5 the Commission to investigate, and then come back and
6 report on, you know, certain topics, without having to
7 have open meetings. And it - you know, and, and that
8 might offer you some flexibility.

9 OIP further recommended that while the
10 possibility of non-Commission members - and so - say,
11 you know, members of the public, resource people -
12 being named to subcommittees is not addressed directly
13 by the Sunshine Law, OIP's advice is to have the non-
14 member participants be resource persons, and not
15 actual members of subcommittees. That was their
16 advice to, to us, you know, when we brought up the,
17 the topic of kind of these layers of different
18 subcommittees.

19 So - I mentioned TIGs a couple minutes ago.
20 These are one of the types of permitted interactions.
21 So it's fewer than quorum, and so it can have two to
22 five commissioners at - this TIG. The scope of the
23 investigation, what their topic that they're to
24 investigate, is defined at a meeting of the parent
25 board, so the, the full Commission. The findings and

1 recommendations of the TIG are presented at a
2 subsequent meeting. And the - this is just a
3 requirement of the Sunshine Law, and sometimes it
4 confounds the parent bodies, because they just want to
5 make decisions. But deliberation and decision-making
6 has to occur at a third meeting.

7 And when you back up a little bit from it, it
8 makes sense, because the findings and recommendations
9 are presented at the second meeting, where, you know,
10 at, at a independent meeting. The members of the
11 public - that's the first time that they're hearing
12 about it, and also the first time that the parent body
13 is hearing about it. So it does make sense from a
14 Sunshine Law perspective that any decision making
15 occurs at a later meeting, in order to allow the
16 public time to fully digest, and you know, be - be
17 able to offer their thoughts prior to the board
18 getting to decision-making and deliberating
19 (unintelligible).

20 The Sunshine Law prohibits "deliberations"
21 outside of formal, noticed meetings. One thing that I
22 found interesting, in an opinion from OIP, is that an
23 investigative committee can make recommendations to
24 the Commission, but the members of the TIG - which
25 also are Commissioners - should refrain from

1 discussing with each other the implications of the
2 recommendations on formal decisions.

3 So the way that I interpreted that to mean is
4 that if you're a member of a TIG, you want to kind of
5 keep in your mind that the deliberating on the actual
6 action should take place at the parent body, so not at
7 the TIG level. At the TIG level, you're really
8 looking at, you know, investigating, fact finding.
9 You'll make recommendations, but not necessarily take
10 that next step, and deliberating and actually, you
11 know, formally adopting anything. That needs to be
12 done at an open meeting.

13 So, Meetings by Videoconference - and what I
14 have up on the screen right now is, is the law as it
15 stands. I think there are some measures that we
16 haven't seen if they've crossed over. I hope so.
17 And, you know, and one of the things - I always say
18 one of the blessing of this past year is that, you
19 know, all of us has got - have gotten, you know, at
20 least familiar with, if not adept at videoconference.

21 And my opinion from, you know, sitting meetings
22 with - like the one - Planning Commission, you know,
23 and others is that we've been able not only to
24 continue our business, but to actually do it pretty
25 well. And I've seen, you know, a, a lot of

1 involvement by the public. So this is just my
2 personal opinion - but I think videoconference is a
3 great tool. It's not perfect, and you don't get that,
4 you know - you don't get those, the talk story in
5 between, you know, so - and you know, I, I think
6 there's great value in getting to know people on a
7 personal level. It helps to build trust, and, and all
8 of that, have some, you know, personal time with
9 people. But, videoconference is a great tool.
10 Anyway, that's my sales, sales pitch on
11 videoconferencing.

12 It is allowed under the Sunshine Law, under
13 certain circumstances. Right now, the Governor's and
14 the Mayor's Emergency Proclamations and Rules - the
15 Mayor's Emergency Rules have suspended in-person
16 meetings. I'd anticipate that as we move forward with
17 the Charter Commission now, and you know, as, as
18 things start opening up with more people being
19 vaccinated, you know, fewer cases, hopefully, that we
20 - you know, the emergency, the State of Emergency
21 either may end - oh, it's going to end at some point,
22 and then we're going to, you know, need to
23 (unintelligible) how we move forward, in compliance
24 with the Sunshine Law, and you know, whatever gets
25 adopted through the Leg... - I hope that it continues to

1 allow it.

2 So, Agendas - must - they have to list the
3 items to be considered with enough specificity so that
4 the public has sufficient notice to make an informed
5 decision regarding attendance and participation. So
6 what that means to me is, you know, when you, as a
7 member of the public read the agenda, you need to know
8 what it's about. So it's not sufficient to just list
9 on the agenda, Unfinished Business, or New Business.
10 You have to say, you know, what that business is.

11 Something that's been a recent addition to the
12 law - fairly recent - is notice and access to board
13 packets. So these are the documents that are compiled
14 and distributed to the commission members, you know,
15 prior to a meeting, are also to be made available to
16 the public. And so what most of the board and
17 commission - or the County board and commissions do,
18 is actually have hotlinks in the agenda that links to
19 those documents.

20 Previously, they would need to be mailed out.
21 They still can be mailed out. We try to, you know,
22 email things to keep the costs down, and things like
23 that. But we accommodate people, you know, if they
24 have, they need to have hard copies for that stuff.

25 So, Recessed Meetings - sometimes you'll have a

1 lot of testifiers, or for whatever reason, a meeting
2 needs to be recessed. And if it is - if they do need
3 to recess, the Commission needs to state, you know,
4 the date, time, and place of when the meeting will
5 continue. And the Commission can decide the maximum
6 length of time until the continued meeting, in the
7 administrative rules, with the caveat that the time
8 limit should be reasonable.

9 Just as a, for example, the County Counsel's
10 rules allow a meeting to be recessed to a date that's
11 not more than 14 consecutive calendar days from the,
12 from that current meeting, and for not more than 60
13 days from the date of the original meeting. You know,
14 so that's to prevent things from just being, you know,
15 recessed continually.

16 I think the other thing to keep in mind is, you
17 know, as - when you recess a meeting and bring the
18 topic back up, you know, sometimes the discussion
19 (cuts out) change quite a bit. And so the Commission
20 can decide, you know, 'We need to open public
21 testimony on this item, because things have changed.'

22 So, Executive Sessions - those are sessions
23 that are closed to the public. And we will have, as
24 we go forward, we'll have a, a separate BlueJeans
25 meeting has - set aside, so that if we need a, an

1 executive session, we'll kind of have that on standby.
2 And then the Commission would, you know, take a short
3 break, recess from the current meeting. We'd leave it
4 open, you know, with someone monitoring it so that if
5 the public comes in, they - they don't think we've all
6 just disappeared.

7 The, probably the, the two reasons that this
8 board will go into executive session would be to
9 discuss legal issues with your, with your attorneys,
10 or personnel matters. So later on down on your
11 agenda, you have job descriptions, basically, for a
12 secretary and an analyst. And when you get in the
13 applications and are considering those applications,
14 that can be done in private.

15 So - and Commissioner Kuoha asked about this
16 earlier - Sunshine Law violations - these are, these
17 are some of the things that, you know, that, you know,
18 can be the result of Sunshine Law violations. It
19 doesn't happen very often. Like I said, the, the law
20 is largely self-policing, you know. And I think once
21 Commissioners are, you know, get a - understanding
22 with, you know, what the obligations are, it's fairly
23 easy to, to stay within the lines. But if you have
24 any questions, you know, just ask us, and we're happy
25 to talk it through with you.

1 CHAIR COLLINS: Member Canto has a question.

2 RICHELLE THOMSON: Okay.

3 COMMISSIONER CANTO: Ms. Thomson, I know the
4 answer is somewhere in here, but I have a question --

5 RICHELLE THOMSON: Um-hmm.

6 COMMISSIONER CANTO: -- for you. So, we have
7 a, an 11-member board. Hypothetically, let's say
8 Commissioner Purdy gets summoned out on an emergency
9 and we're, we're voting on an item, and the vote calls
10 five and five. Who does the, the final - I mean, how
11 does that work, when it's time to, to make that
12 determination?

13 RICHELLE THOMSON: So, that would - if a vote
14 ended up being five, five, it would be --

15 COMMISSIONER CANTO: Yes.

16 RICHELLE THOMSON: -- to, to the next - it'd be
17 deferred to your next meeting. Yeah.

18 COMMISSIONER CANTO: It would be deferred?

19 RICHELLE THOMSON: Yeah.

20 COMMISSIONER CANTO: Okay. All right. Thank
21 you.

22 RICHELLE THOMSON: Um-hmm.

23 CHAIR COLLINS: Member Kuoha?

24 COMMISSIONER KUOHA: Yes. Ms. Thomson, I have
25 one question about investigative committees.

1 Wondering about the ability of that committee to bring
2 in experts in, in whatever relevant field, to, to be
3 in conversation with that committee. Do you --

4 RICHELLE THOMSON: Um-hmm.

5 COMMISSIONER KUOHA: -- have some feedback for
6 that idea?

7 RICHELLE THOMSON: Sure. So, basically TIGs,
8 these investigative committees, they can speak with
9 anyone that they need to. So that's one of the -
10 that's one of the benefits of setting up a TIG, is
11 that, you know, they can seek out those resources and
12 engage with them freely. And you can, you know,
13 obviously, spend the time that you need to, as well,
14 you know, outside of a - you know, trying to get in
15 the room, and get everybody present for a, a full
16 meeting. So there - it's a very useful tool.

17 CHAIR COLLINS: I thought I heard somebody
18 else. I'm trying to see. Did - is there - any other
19 members have any - oh, yes. (cuts out) Deslauriers.

20 COMMISSIONER DESLAURIERS: Um-hmm. Yes. It,
21 it has to do with disclosure of information that's
22 discussed during our meetings. Are there limitations,
23 in terms of what we can put out to the public of
24 things that have been discussed within the meeting,
25 seeing that it's going to be on Akaku, and you know,

1 available to the public. Are we restricted in any
2 way, as Commissioners, in that communication?

3 RICHELLE THOMSON: I think the, you know, the
4 best answer to that is the individual Commissioners
5 can be assigned, you know, or, or, or a couple of
6 them, can be assigned to represent the body as a
7 whole, you know, before other boards, or the County
8 Counsel, you know, for example. But I, I think that
9 it would be a good advice for the Commissioners not to
10 take it upon themselves to represent the entire body
11 without that authorization.

12 As far as what can be discussed - pretty much
13 everything that you're going to be doing is in public,
14 or publicly available. You know, all of your
15 materials are, you know, public documents, most all
16 your materials will be public documents. There's
17 going to be a few times where I would assume we're
18 going to want to go into executive session, and any
19 documents or, you know, discussion that's held in
20 executive session should remain private. In terms of
21 waiving attorney-client privilege, that has to be done
22 by the body, and it shouldn't be done by members
23 individually. That's - I, I think that's probably
24 where I would - on how to answer that question. But
25 did, did that answer your question?

1 COMMISSIONER DESLAURIERS: Yes, it did. Thank
2 you very much, Chair.

3 RICHELLE THOMSON: So just quickly, I'll go
4 over the, the Code of Ethics. This is Article 10 in
5 the Charter.

6 MALE SPEAKER: May I ask a follow-up to that
7 last --

8 CHAIR COLLINS: Yeah. Hold, hold --

9 MALE SPEAKER: -- question?

10 CHAIR COLLINS: Yeah, hold on just a second.
11 Go, go ahead.

12 MALE SPEAKER: So if we put information out to
13 the public, and it's, it's a decision before the body,
14 conceivably other Commissioners could see it. Right?
15 So like if you were to put out a news release, or
16 something on Facebook - is that considered serial
17 communication?

18 RICHELLE THOMSON: No. So that's, that's more
19 inadvertent, you know, communications, so, you know,
20 say they - another Commissioner reads something in the
21 newspaper - that wouldn't be serial communication.

22 MALE SPEAKER: Oh.

23 CHAIR COLLINS: Okay, before we go on to the
24 Ethics - I actually have a couple of questions. And
25 then I think it might be a good time to take a short

1 break, since we've been going for two hours.

2 So, the first question I have - you had
3 indicated during the UIPA part of the discussion, that
4 there might be an obligation to keep and maintain
5 documents. And I guess my question is - I was under
6 the impression, based on the Molfino (phonetic) v. UN
7 case, that, that counties do not have a duty to keep
8 or maintain documents, under either the common law, or
9 UIPA.

10 RICHELLE THOMSON: Let me see if I can make
11 this screen bigger here, and sharing my screen. Oh,
12 I'm working on screen sharing. So generally,
13 generally, all of the, the records are government
14 documents. There are, you know, records retention
15 policies. So you know, basically, you know, the - and
16 then we keep things forever in, in some cases, and you
17 know, for a very long time in others, judging by the
18 stacks. I don't know if you can see all my stacks
19 behind me, but - in terms of, of you know, each
20 Commissioner's duties to retain the documents - you
21 know, if it's something that's in the Commission
22 record, I mean, we keep it here.

23 And really what I wanted to get across more is
24 more with that is that your communications with each
25 other, you know, records retention, and you know, UIPA

1 isn't restricted to just for hard copy and paper
2 documents, but it can be emails, and text messages,
3 even. You know, so, so I just want all of you to know
4 that in your official capacity, your communications
5 may be subject to a UIPA request. And so, just really
6 be, you know, to, to - just to be aware of that.

7 CHAIR COLLINS: So I guess, my, my question is
8 aimed at, because it was - yeah, you were - you
9 mentioned that during the email and, and text message
10 part.

11 RICHELLE THOMSON: Uh-huh.

12 CHAIR COLLINS: So I guess I - my questions is
13 - we don't have a, a duty to maintain any email or
14 text message, right? What you're saying is that if
15 someone makes a UIPA request, and we have a text or an
16 email that's responsive to it, then we're required to
17 disclose it. But there's nothing in UIPA that
18 requires us to retain text message or emails.

19 RICHELLE THOMSON: That's, that's my
20 understanding, as well. Yeah, there's not a duty to
21 retain it on, on your side. However, if you're asked
22 for it, I would also not recommend getting rid of it,
23 you know. If you have it, you have to turn it over.

24 CHAIR COLLINS: Sure. And then the other
25 question I had was, you had mentioned that - I guess

1 there are certain, certain documents that you had
2 referred to that would be work product, that are not
3 subject to UIPA disclosure, or they're not open to
4 public inspection. And I guess, it - could you
5 clarify what the, what the basis for that would be?
6 I, I thought that work product was something that came
7 under the Hawaii Rules of Civil Procedure, which
8 obviously doesn't apply to us. So I, I was a little
9 bit confused.

10 RICHELLE THOMSON: Right. It wouldn't, it
11 wouldn't apply to the Commission's created work. But
12 there may be - it, it may - it probably won't come up
13 in this context, because I'm trying to think of an
14 example, and then one's not coming up all that
15 quickly. But you know, attorney work product, you
16 know, it's, you know, draft - maybe draft Charter
17 amendments, you know, that, that are put together that
18 I, you know, make notes on, you know, 'This may be
19 contrary to some law,' you know, here or there, you
20 know, that I want to share with you, and I want to
21 share my concerns with you. You know, this is - I'm
22 just - and - for example, 'You know, I believe this is
23 in violation, or you know, triggers a potential
24 conflict with this law,' or you know, something like
25 that - I want to be able to share that writing with

1 you, and not have it be discoverable to the broader
2 world. So I would do that in a, in an attorney-client
3 communication, and the document with my notes on it
4 may be attorney work product. So, you know, in, in
5 that case, that document would probably be either, you
6 know, redacted, if asked for in a UIPA request, or if
7 it was, you know, just basically all my words, then we
8 may withhold it. But that's, that's really a - kind
9 of the only context that I can think of at the moment
10 that that could come up.

11 CHAIR COLLINS: Sure. And then it's, it - the
12 Commission ultimately can decide whether or not they
13 want those kinds of documents to be kept confidential,
14 right?

15 RICHELLE THOMSON: They can, yeah. And like I
16 said, it's the Commission itself, so - as a body, so
17 it's six members to, to make those types of decisions
18 (unintelligible).

19 CHAIR COLLINS: Okay. Those were the only
20 questions that had come up. So - does anybody have
21 any preference for how long our break should be? Ten
22 minutes? Five minutes? Fifteen minutes? Ten
23 minutes? Yeah. Ten minutes. Is that okay with
24 everybody - ten minutes for a, a recess? Okay,
25 everyone can get a drink and use the restroom, or get

1 a snack. Okay. So if there are no objections, we
2 will go into recess at 12:08, and return at 12:18.
3 Thank you.

4 (RECESS IS TAKEN)

5 CHAIR COLLINS: The, the meeting of March 18th
6 of the Charter Commission is - has reconvened from,
7 from recess. And we were in the middle of the
8 presentation from Corporation Counsel. I actually
9 have one more question before we go on to Ethics.

10 So, 50-5 was talked about, in terms of our
11 rules. Let me - I thought I pulled this up, but I
12 didn't. And I guess my question is, it, it - it - oh,
13 did I freeze?

14 RICHELLE THOMSON: No, you're okay.

15 CHAIR COLLINS: I'm sorry.

16 FEMALE SPEAKER: You didn't.

17 CHAIR COLLINS: Oh, okay. Somebody froze.
18 Okay. So, 50-5 with respect to our rules - if we were
19 not exempt from Chapter 91, or it wasn't applicable,
20 the only - and we had to go through a rulemaking - the
21 only rules that we would have to actually go through a
22 rulemaking are ones that affect the procedures
23 available to the public - right? The, the definition
24 of a rule under 91.1 doesn't include the internal
25 management of an agency. So a, a rule with something

1 that affects the rights, or procedures available to
2 the public, right?

3 RICHELLE THOMSON: Yes, that is - let me look.

4 CHAIR COLLINS: Sure. 91-1 is the definition
5 for a rule.

6 RICHELLE THOMSON: Right, exactly. So, rulings
7 'Each agency's statement of general or particular
8 application, and future effect that implements,
9 interprets, or prescribes law or policy, or describes
10 the organization, procedure, or practice requirements
11 of any agency.' so the term does not concern
12 regulations concerning only, as you said, internal
13 management of an agency not affecting private rights
14 or procedures available to the public. And, and that
15 doesn't include declaratory rulings, which doesn't
16 apply to this board anyway.

17 And so I think they're saying, you know, rules
18 of practice and procedure may not be subject to the
19 formal rulemaking process.

20 CHAIR COLLINS: But some, some - some would,
21 but not all of them, right?

22 RICHELLE THOMSON: Yeah. Right. I guess some
23 would, and, and not all of them. In, in general, you
24 know, even when the other County boards and
25 commissions, when they change their rules of practice

1 and procedure, they would go through formal
2 rulemaking. But this body is exempt, which, you know,
3 like I said, it - for rules that would require a
4 public notice, and a hearing, and all of that stuff,
5 being able to adopt your own rules quickly is a good
6 thing. You know, it allows you to, you know, to get
7 moving, and get started right away.

8 CHAIR COLLINS: Okay. Oh, and Member
9 Deslauriers has a question.

10 COMMISSIONER DESLAURIERS: Yes. It's not along
11 the same lines, but it's about testimonies. And I'm
12 just wondering, in terms of when people submit
13 testimonies, as Commissioners, how do we receive that
14 information? Is it just going to be by email? Or are
15 we going to get a hard copy? Or - how does that work?
16 And do we get that submission when the person who is
17 giving the comments, when they send that up, do we
18 receive it at the same time? Thank you.

19 RICHELLE THOMSON: And so the, the testimony
20 will probably be similar to what occurred this - with
21 this meeting. And so I think there wasn't a whole lot
22 of written testimony that was received. But when it
23 was received, it was distributed out to you in email
24 this go-around. But if certain Commissioners have
25 preferences, on how they would like to receive Board

1 materials, I know that staff will do their best to
2 make sure that you have it. Electronically is, you
3 know, frankly, easiest and quickest. But you know,
4 some, some members do like to have hard copies of
5 things, you know, and, and we can help you figure that
6 out.

7 And one of the, one of the other things with
8 testimony - Cory created, on the, on the Charter
9 Commission's web page on the County website - has
10 created a link, and it'll have the public testimony
11 that was received for each meeting. So it'll be
12 there, as well. And so you'll get it in the normal
13 course, but it will also be available to, you know,
14 anybody else who wants to take a look at it. Cory has
15 --

16 CHAIR COLLINS: Ms. Vincens has her hand
17 raised.

18 SECRETARY CORY VICENS: Yeah. Chair, our rules
19 right now, as far as written testimony, is that public
20 has up to 48 hours to submit that through our email.
21 So anything that was received maybe a week before, I
22 guess we could get a hard copy out. But if it's been
23 received within 48 hours, it would be transmitted
24 digitally, and then put up no later than meeting time,
25 up on our website, as we did today.

1 CHAIR COLLINS: Okay. Thank you. Any other
2 questions about open meetings, open records, before we
3 move on to the Ethics part of the - none? Okay. Ms.
4 Thomson.

5 RICHELLE THOMSON: Thank you, Chair. I'm just
6 going to go back to sharing my screen, and you're
7 almost done with me, and then you get to move on, and
8 hear from someone else for a little bit. So I'm just
9 going to share a screen real quick.

10 So, the thing - Article 10 of the Charter is
11 the County Code of Ethics. And the shorthand version
12 of it is on your screen. These are the things to
13 steer clear of. Soliciting, accepting, or receiving
14 gifts intended to influence you, or as a reward for
15 official action. That doesn't include gifts of Aloha,
16 and I believe that the Board of Ethics has set a \$25
17 value on it, on that. So - small gifts are okay. You
18 know, but not, not big gifts.

19 It's a violation of the Code of, of Ethics to
20 disclose information that's not available to the
21 public; to engage in any business transaction or
22 activity, or have a financial interest which may tend
23 to impair your independence of judgment in the
24 performance of your official duties. Failure to
25 disclose a financial interest. And the penalties for

1 violating the Code of Ethics potentially could be a
2 fine, or removal from office.

3 I know that at least, you know, the - the
4 Commission, each Commissioner is - if you have any
5 things, any situations that may come up - it's
6 typically with relation to private business interests
7 or involvement of, of you or a, a close member of your
8 household, your partner or spouse. You can seek an
9 opinion from the Board of Ethics. It's very easy to
10 do. It's basically by letter to the Board of Ethics,
11 to the address on the, the County website, describing
12 the situation, and asking for their opinion. And if
13 you receive an opinion from the Board of Ethics, and
14 you act in accordance with that opinion, then you're
15 not considered to have violated the Code of Ethics.
16 So that's an, an opportunity available to you, if
17 anybody needs that.

18 And that is my last slide. I, I had told you
19 I'd be quick. So, if you have any questions -
20 obviously, I'm going to be here for the full meeting.
21 But Keola has a presentation on some of the legal
22 background that you'll operate under.

23 CHAIR COLLINS: Are, are there any - any
24 further questions for Ms. Thomson? Okay. Seeing
25 none, I guess we can go, move onto the next

1 presentation. Thank you very much.

2 KEOLA WHITTAKER: ... everyone. My name is Keola
3 Whittaker. I'm a Deputy Corporation Counsel. So I
4 work with Richelle. She's my boss, so I may defer to
5 her at times. It's very nice to meet you. And just
6 wanted to answer a question that somebody posed
7 earlier. I, I think maybe it was Chair Collins about
8 the (unintelligible) of mailing (unintelligible) word
9 from Lisa Kahuhu, who was the Secretary for the
10 general election 10 years ago. And she said it --

11 CHAIR COLLINS: Mr., Mr. Whittaker, can I stop
12 you for just a second? I think we - somebody's got a
13 mic that's creating feedback, that's not muted. Who
14 is not - wait, let me see. Oh, okay. I think it's,
15 it's okay now. Sorry, can you continue?

16 KEOLA WHITTAKER: Does it sound okay? Okay.
17 So it costs about \$20,000 to send a mailing to all the
18 voters, and that does not include the costs of
19 printing. So we, we found that out, just for your
20 information.

21 Okay. So I'm going to talk about the laws that
22 relate to the - to your work. And just generally,
23 wanted to start off, before I get into the formal
24 presentation, by congratulating you. And, and our job
25 is to make sure that you're successful, because what

1 you're going to do over the next year is going to be
2 your legacy. It's going to outlast you. It may
3 outlast your children, if you're successful. And not
4 just the words that are going to be in the Charter,
5 but the effect of those words. And hopefully, it'll
6 make for a better, more effective government. So that
7 is your charge, and we are here to help you make that
8 successful.

9 So now imagine what happens if it's not
10 successful. You know, you make a change to the
11 Charter, and a court finds that it was not proper,
12 because it didn't follow the proper (cuts out).
13 That's what we want to prevent, and that's what we're
14 here to help, help you with, to guide you, to make
15 sure that what you do does have - does outlast all of
16 us.

17 So I'm going to share my screen now. Okay. I
18 assume you can see this presentation. So I'm going to
19 go over the laws that relate to the - your work, and
20 answer any of those questions. And this is really a
21 non-lawyer's big overview of the memo that was sent
22 out to you.

23 So the - there are two main laws that affect
24 your duties and functions. And the first is found in
25 the County of Maui Charter, Section 14-3. And it's

1 worthwhile for you to read it, because it's very
2 short, and it provides you with the very basic
3 outlines of your duties and functions.

4 So the Charter currently says that you may
5 propose amendments to the Charter, or draft a new
6 Charter. The amendments are approved by voters at a
7 general or special election as may be deemed by the
8 Commission. And generally, the Commission has put
9 these amendments up for a vote during the general
10 election, because it doesn't cost additional money to
11 do so.

12 There are a couple of deadlines that are
13 mentioned in Section 14-3 of the Charter. It says
14 that the amendments or the new Charter must be
15 submitted to the County Clerk within 16 months after
16 the Commission has been appointed, after earlier
17 review of the Council if required by State law. Our
18 reading of that last portion is that it is a reference
19 to Chapter 58, which I will go over a little later.

20 In addition, the other deadline that's
21 mentioned in Section 14-3 is that the Commission must
22 publish, not less than 45 days before any election, at
23 least once in the newspaper of general circulation
24 within the county, a brief digest of the amendments,
25 or the new Charter. So the two deadlines that are

1 mentioned there, and that we put in your general
2 deadline chart.

3 The next big set of laws that govern your
4 duties and functions is found in Chapter 50 of the
5 Hawaii Revised Statutes - indicates that you may
6 develop your own rules and procedures. And as
7 Richelle mentioned, because Chapter 91 doesn't apply,
8 you can - you can move forward with your rules and
9 procedures today. It also indicates that a majority
10 of the Commission is a quorum. Outlines your duties
11 in Section 56, to study and analyze the existing
12 governmental structure of the County, for purposes of
13 securing information that will enable you to draft
14 your proposed charter, or for the amendments.

15 Under 57, it indicates your powers, that you'll
16 hold public hearings, sponsor public forums, and in
17 general, provide for the widest possible public
18 information, and discussion regarding your work. And
19 that's how the past commissions have operated, as
20 well.

21 With the approval of Council, you may appoint
22 staff members and consultants as, as deemed necessary,
23 and there already has been some money set aside for
24 that.

25 The - Section 58 is what was referenced in

1 Section 14-3 of the Charter. And this is the
2 submission of amendments to the Council. So, Section
3 58 indicates that within one year of your appointment,
4 you must submit a report in writing on your
5 activities, findings, and recommendations, to the
6 Council, with a draft of the proposed Charter, or
7 Charter amendments. At that time, the Council has the
8 option of suggesting alternative wordings to the
9 proposed charter, or charter amendment. Then you
10 receive those alternative proposals, and you have two
11 options. You can accept their alternative wording to
12 the amendments, or you can reject them. If you reject
13 them, the Council then can recall any of the rejected
14 alternatives, and then what this Commission will do is
15 submit its version, and the alternative version to the
16 Clerk. And then there's a process which - within HRS,
17 Chapter 50, for the voters to choose between them.

18 The next part of Chapter 50 talks about your
19 tenure, compensation, and any appropriations. Your
20 term of office expires the day after the election -
21 that - about the proposed Charter amendments. You're
22 entitled to compensation of a thousand dollars each,
23 and reimbursement for any necessary expenses. And the
24 Council must appropriate funds for all of those costs.

25 CHAIR COLLINS: Well, I - Mr. Whittaker, I

1 think Commissioner DeLeon had a question.

2 COMMISSIONER DELEON: Thank you. I appreciate
3 that. Yeah, back on the earlier page. So
4 essentially, we have a year - well, a little less than
5 a year, to do our work in, then.

6 KEOLA WHITTAKER: Yeah, this is the --

7 COMMISSIONER DELEON: Can we --

8 KEOLA WHITTAKER: -- right, that's exactly
9 correct. And this is the earliest deadline. And it's
10 a year from your appointment. And, you know, there's
11 been some discussion earlier in the meeting about what
12 is - what is that date. And unfortunately, there's no
13 definition of what appointment means. And so we took
14 the most conservative view, and, and put that as the
15 date that you were appointed by the County Counsel,
16 and (unintelligible)

17 COMMISSIONER DELEON: But my question is - if
18 we send material to the Council, and we, we, we'd send
19 a proposal to the Council, that's a lock at that
20 point, for us? So, if the Council comes back with
21 something else, or we change our mind - can that be
22 amended at all? Or are we locked in?

23 KEOLA WHITTAKER: So you can choose to amend,
24 based on - so my reading of this is that you can
25 choose to amend, based on the Council's proposals, or

1 choose what, what you've already written. Now, as far
2 as amending it other than that, I'd have to think
3 about that. I'm not sure - if, if Richelle has a view
4 on that. But because Council has the option to review
5 them, I think at that point it would be a lot, because
6 there is no - they'd, they'd have to look at any other
7 amendments that you, that you would make, if that
8 makes sense.

9 COMMISSIONER DELEON: Thank you.

10 MALE SPEAKER: And then, for the year purpose,
11 I guess since we took a month organize this first
12 meeting, we essentially have 11 months to do our
13 business.

14 KEOLA WHITTAKER: The most conservative reading
15 of the --

16 MALE SPEAKER: Yeah.

17 KEOLA WHITTAKER: -- statute is that - it's
18 exactly that. You have a year from the - your
19 appointment date.

20 MALE SPEAKER: Yeah.

21 CHAIR COLLINS: Mr. Whittaker, I just want to
22 make sure that the - are there any other questions so
23 far? I apologize. I, for some reason, I didn't see
24 the Member DeLeon's video. No? Okay. I have a
25 question about the previous slide. I'm not sure if

1 you can --

2 KEOLA WHITTAKER: Well --

3 CHAIR COLLINS: Yeah. Oh - no. Maybe it's the
4 next one - the one that has to do with compensation.

5 KEOLA WHITTAKER: Oh, sure. Yeah.

6 CHAIR COLLINS: And that's the next one - okay.
7 Yeah. I have a question about this. Are you familiar
8 with a June 2nd, 2011 letter from the Attorney General
9 to Patrick Wong, Corporation Counsel?

10 KEOLA WHITTAKER: Yes.

11 CHAIR COLLINS: You are. Okay. And at the end
12 of that letter, did the Attorney General say since
13 1969, the Charter Commissions of the County of Maui
14 have been created pursuant to Article 14 of the
15 County's Charter, and we are unable to conclude that
16 they are presently, quote, "expressly created" - end
17 quote - by State law?

18 KEOLA WHITTAKER: That's, that's what they
19 concluded, correct.

20 CHAIR COLLINS: Uh-huh. And so does the
21 Charter at 13-2 say that no member of a board or
22 commission can be compensated?

23 KEOLA WHITTAKER: It does. Our - what, what
24 has been done in the past is Corporation Counsel is
25 taking the view that Article 13 does not apply to

1 Charter Commissions. And the opinion of the Attorney
2 General does not opine on the meaning of established
3 by within Article 13 of the Charter, which I think has
4 a different meaning, and their, the question they were
5 answering was a - a bit different. And the opinion of
6 the Attorney General didn't analyze the HDEA case,
7 which is detailed in the, in the memorandum that I
8 wrote. So that - although, you know, you could be
9 absolutely correct - to be consistent with, with prior
10 years, we've taken the view that Article 13 doesn't
11 apply.

12 CHAIR COLLINS: I see. Well, and which - which
13 section of Chapter 50 establishes the Commission?

14 KEOLA WHITTAKER: Fifty-three, I believe.
15 Yeah, all of Chapter 50 does. Chapter 53 specifically
16 talks about the Charter Commissions.

17 CHAIR COLLINS: I, I'm sorry - which part of
18 50-3?

19 KEOLA WHITTAKER: Well, all of Chapter 50
20 establishes the Charter Commission. Chapter 53 talks
21 about the makeup of the, of the Charter Commissions,
22 which - some of which has been amended by Charter
23 Section 14-3.

24 CHAIR COLLINS: And were you aware that the
25 Office of Council Services has issued an opinion

1 regarding the applicability of Chapter 50?

2 KEOLA WHITTAKER: The Office of Council
3 Services recently did this?

4 CHAIR COLLINS: Yeah. Let me see if I can find
5 - um-hmm. Yeah, March 17th.

6 KEOLA WHITTAKER: Okay, I, I was not forwarded
7 that communication, unfortunately.

8 CHAIR COLLINS: Oh, I see. Would it, would it
9 at all change your mind if I represented to you that
10 it basically said that, that in their view, the
11 Charter is what establishes our Commission, and that
12 50-3 doesn't apply, because it conflicts with the
13 Charter?

14 KEOLA WHITTAKER: I'd have to take a look at
15 that analysis. But it very well could. And you know,
16 you know, it's something that we, that we should
17 consider. Unfortunately, if, if that were the case,
18 there would have even - there would have to be some
19 changes, including possibly the, the changes to the
20 makeup of the, of the Commission, because it would be
21 inconsistent with advice that was given to the
22 Council, and to Charter Commissions in the past.

23 CHAIR COLLINS: Um-hmm. And what would that
24 composition be? What would - what's the problem with
25 the composition?

1 KEOLA WHITTAKER: Because I outlined in the
2 memo, the Article 13 indicates that no more than a
3 bare majority can be of a single political party, and
4 there's more than a bare majority on this Commission.
5 So that's the, that's the - that's the main issue with
6 the makeup of the current Commission. Other than
7 that, there's, there's no other issues that I can
8 (unintelligible)

9 RICHELLE THOMSON: I think that - sorry, if I
10 could chime in. I think there are no other, you know,
11 over current issues. But you know, we consider the
12 makeup of the, of the Commission, and, and the
13 appointment by the, by the Council, and by the Mayor,
14 you know, the - I would, I would hope that, that that
15 would stand.

16 One of the things is if there are, you know, no
17 more than a bare majority of any political party. And
18 there are seven Democrats currently on the Commission.
19 So that's one extra Democrat, you know. So that begs
20 the question, well, who do you get rid of? And then
21 the next question is, how is that successor appointed?
22 Is that successor appointed by either the Mayor, or
23 the Council? Or do you follow, you know, Article -
24 the, do you follow 13, which really goes along with,
25 you know, the Mayor, the Mayor appoints, the Council

1 confirms.

2 So when we, you know, when we dive into the
3 weeds on whether Chapter 50 controls, or Article 13,
4 too - when you really, really get into the weeds,
5 there are a lot of problems - some of them big, some
6 of them smaller, by taking a very hard line that
7 Article 13 controls, and, and Chapter 50 has no place
8 in a Charter Commission's operation.

9 One of the things that I think that, you know,
10 that we would suggest to you folks as a group, is -
11 this is exactly the kind of thing that needs to be
12 clarified with this term of the Charter Commission.
13 You know, the discussions that we had, that I had
14 personally with the Attorney General's Office, back -
15 before the last election, with the Charter amendments
16 that the Council was considering - you know, we, we
17 did discuss Chapter 50 - Section 50-3, you know,
18 because that was the, the main section that was being
19 implicated by the Council wishing to appoint nine
20 members, and then the Mayor, too. You know, so we ran
21 that exact scenario and had, you know, a great deal of
22 discussion between our office, and the General
23 Attorney General's Office, including kind of rehashing
24 those memos from previous years.

25 So you know, we were able to come to the

1 conclusion that, you know, that there are - for
2 example, the, the makeup of the Council, with the nine
3 and the two selected by each branch of government -
4 that that supersedes Section 50-3 of HRS. So there
5 are - just like that supersedes, I think there are
6 other things - the selection of the Chair being one of
7 them, that this Charter Commission can address head-
8 on. And I, I would encourage you to do so, because I
9 think this ambiguity, and the questions have come up -
10 as far as I can tell in reading the legislative
11 history of the Charter Commissions, this is definitely
12 not the only time it's come up. It's come up
13 successively. So I, I think it's a great opportunity
14 to deal with it.

15 KEOLI WHITTAKER: Yeah, absolutely.

16 CHAIR COLLINS: Okay. Well --

17 KEOLI WHITTAKER: And in addition, you know,
18 we're not the only county that has struggled with this
19 issue, as to what controls - Chapter 50 or the
20 Charter. And you know, there hasn't been an on point
21 court case on this. So, like, all the counties, we,
22 we're - we do our best to interpret what we think a
23 court would decide.

24 CHAIR COLLINS: Okay. I, I guess I, I am a
25 little bit concerned, because what I don't want to do

1 is I don't want to go on for 11 months, and then
2 somebody decides they don't like what we're doing, so
3 then they sue the Commission because we're not
4 following the Charter, and instead following - I
5 don't, I don't want our work to basically be
6 undermined because somebody decides they don't like
7 it, 11 months down the line, and then creates the
8 lawsuit that has never existed.

9 So I guess my first question is - and this is
10 really to the members - is do we in fact have more
11 than a bare majority of a political party? I guess
12 the first question is, is - can, can we stop sharing
13 the screen for just a moment? I'm sorry.

14 RICHELLE THOMSON: The political party issue is
15 what was - what all of (unintelligible)

16 CHAIR COLLINS: I'm sorry - can we stop sharing
17 the screen first? Thank you.

18 RICHELLE THOMSON: Okay.

19 CHAIR COLLINS: Okay.

20 RICHELLE THOMSON: The (unintelligible)

21 CHAIR COLLINS: Ms. Thomson.

22 RICHELLE THOMSON: (unintelligible) is, is
23 where - it, it was on the applications that each
24 Commissioner filed. So, you know, you had to name
25 that.

1 CHAIR COLLINS: Okay. And is - can, can I ask,
2 is every Commissioner still a member of the political
3 party that they indicated on their application back in
4 January?

5 COMMISSIONER CANTO: I am.

6 MALE SPEAKER: (unintelligible)

7 COMMISSIONER CHUN: Yep, yes.

8 CHAIR COLLINS: Okay. Ms. Thomson, I recall -
9 this was a number of years ago, because it was Mr.
10 Kushi (phonetic) in a Council meeting, had indicated
11 that when there's a problem along these lines, that
12 any member of a board or a commission can resign their
13 membership and solve the problem. Is that the still
14 the position of Corporation Counsel?

15 RICHELLE THOMSON: What, what we're suggesting,
16 what we're suggesting to this body is that we - based
17 on, you know, how it was handled previously, and our
18 current analysis of the law - is that you do not have
19 a problem because you are not subject to Article 13 of
20 the Charter. So we, we don't see it as a - we don't
21 see that as a problem.

22 CHAIR COLLINS: Sure. I - no, I understand.
23 But I guess my question is, is that when that problem
24 does - when that problem does exist, has it been
25 Corporation Counsel's previous advice that a - any

1 member of a commission can resign their party
2 membership to solve that problem?

3 RICHELLE THOMSON: I don't know, actually. I
4 would have to - I'd have to look into it. It's never
5 been a question that I've personally been asked. But
6 I, I think that that would be an inadvertent
7 discovery, after someone's already been named to a
8 commission, and that information for the Article 13,
9 Boards and Commissions, is part of the, the nomination
10 process. So all of that's available to Council, as
11 you're - as you folks are being vetted by Council.

12 CHAIR COLLINS: Okay. And then the other
13 question --

14 COMMISSIONER DELEON: Okay --

15 CHAIR COLLINS: -- I have - yeah - okay. I'm
16 sorry. Member DeLeon, why don't you go ahead. I'll -
17 I can wait.

18 COMMISSIONER DELEON: Well, this, this
19 requirement for - that I'm a political party is - it's
20 really an anachronism, and it's been on, in there for
21 a long time. I don't know if any of you all know, but
22 I - about 12 years of my life, I was - I ran the
23 Boards and Commission System for the county, starting
24 when Linda Lango (phonetic) created it. And, and it,
25 it always struck me that the far majority, and by, by

1 far, the far majority of the people who have signed
2 in, signed in as Independent - even though you would
3 say that the far majority of the people, the voters in
4 the county are, are Democrats. So I think, I think
5 the indication that we've got seven identified
6 Democrats on this board is an indication of how
7 political this board is. I just wanted to make that
8 point at this point. Thank you.

9 Oh, and one other point is, this is something
10 we can correct, and it's something that I, I would be,
11 I would be in favor, personally, of correcting,
12 because I do, I do believe this is an anachronism.
13 Thank you.

14 CHAIR COLLINS: Yeah, and I think, actually,
15 maybe 10, 10 years ago or so, that was - it was a
16 proposal in front of Council, that - and you supported
17 that, that amended going forward. I don't recall if
18 it did or not, but - maybe it was more than 10 years
19 ago.

20 COMMISSIONER DELEON: Well, I tried it with the
21 Charter Commission. I tried it with the last Charter
22 Commission. And there were certain Council members who
23 were very, very married to the whole party thing.
24 They thought that would pull back on the party, so
25 they, they did not want to see that happen. Mahalo.

1 CHAIR COLLINS: And then the other question I
2 had for Corporate Counsel is, you know, this - it has
3 to do with this compensation issue, because that
4 obviously, clearly conflicts with the Charter. So I
5 guess my question is, is at - you know - is there a, a
6 way that - I mean, we're not going to be getting
7 compensated tomorrow, right? There will be some time,
8 so that this matter can be further investigated? I, I
9 - what I don't want to have happen is people get a
10 payment, and then all of a sudden, we've all broken
11 the law. That - you know, I, I don't think that would
12 be helpful for anybody. If - so I guess the question
13 is, is what exactly is the timing for the
14 compensation? And is that something that if it's
15 supposed to happen soon, can it be pushed off for some
16 time so that we have an opportunity to fully
17 investigate this issue? Oh - Member --

18 COMMISSIONER DELEON: Mr. Chair --

19 CHAIR COLLINS: -- DeLeon might have an answer.

20 COMMISSIONER DELEON: In reference to this, as
21 a former member of the last Commission, we got paid at
22 the - at the final. We received the compensation at,
23 then - at the very end of the Commission.

24 CHAIR COLLINS: Okay. I guess - and then the
25 last question - and this isn't for Corporation

1 Counsel. But just to be on the safe side, are there
2 any - are there any Commissioners who are presently a
3 member of their political party, who are willing to
4 resign their party membership - just to be on the safe
5 side?

6 CHAIR COLLINS: Oh. I heard somebody. I saw
7 two members, and then I heard somebody else.

8 COMMISSIONER CANTO: Chair?

9 CHAIR COLLINS: Member Canto?

10 COMMISSIONER CANTO: And - yeah. I, and I just
11 want to make it clear that I do not, I will not be
12 resigning my affiliation.

13 CHAIR COLLINS: Thank you. Yeah. Is there any
14 member who would be willing to resign their member in
15 a political party, if that's, if that's an issue?

16 Member --

17 COMMISSIONER MARDFIN: Lance?

18 CHAIR COLLINS: Yes.

19 COMMISSIONER MARDFIN: I - since I'm the
20 Precinct President for the Hana Precinct, 13-3, I do
21 not feel I can resign from the party. And I've been a
22 member since 1972

23 CHAIR COLLINS: Okay.

24 COMMISSIONER KUOHA: Chair Collins, I have a
25 question.

1 CHAIR COLLINS: Yeah - member Kuoha? Uh-huh.

2 COMMISSIONER KUOHA: And, and maybe this is
3 also for legal guidance. You know, a lot of times -
4 I, I'm wondering if anyone who identified as Democrat
5 are actually dues-paying Democrats, or if it's just
6 sort of a political identity, because maybe there's,
7 there's some wiggle room in there that, that could,
8 could free us from the liability that you have pointed
9 out.

10 CHAIR COLLINS: Okay. Member Olson?

11 COMMISSIONER OLSON: I am not a dues-paying,
12 card-carrying member of the Democratic party. The
13 only reason that, to me, that I've ever had to
14 identify one way or another is primaries, right. So I
15 don't think I have anything to resign from. Please
16 correct me if I'm wrong.

17 CHAIR COLLINS: Sure. Okay. Well, maybe
18 that's something we can further investigate. Maybe
19 there actually aren't more than a bare majority of
20 Democrats. Maybe there's some ambiguity in terms of
21 the application process, and what the legal
22 significance is of being a member of the political
23 party - because I think more than just voting for a
24 party makes you - you have, you have to do something
25 more than just vote for a party in a open primary, in

1 order to be a member. Member Mardfin?

2 COMMISSIONER MARDFIN: Lance, well, I can maybe
3 help on this. It used to be you had to declare your
4 party, and it was an open question. Then, a couple
5 decades ago, they changed it to the - where you - they
6 give you multiple ballots, and you pick the one you
7 had - you want, and you - that's the one you put in,
8 and you destroy the rest. That is not a public act.
9 That's a private act, to preserve your anonymity,
10 should you choose to do it.

11 So I think merely voting Democrat does not make
12 you a Democrat. But what makes you a Democrat - I
13 should get my wallet out, but I can show you my
14 Democratic Party card, signed by Senator McComb, back
15 in 1972. We have volunteer - we don't have mandatory
16 dues. We have sort of voluntary dues at 25 a year -
17 and this is new as of a couple years ago - \$25 a year
18 communication fee, which you put in, or you don't put
19 in. They - it has nothing to do with your actual
20 membership.

21 So if, if you - if a person put down on their
22 application that they're a Democrat merely because
23 they vote Democrat in a primary, that shouldn't bear
24 at all. It's if you're a card-carrying member of the
25 Democratic party that should control, I would think.

1 CHAIR COLLINS: Okay. Member Olson? Oh,
2 you're muted.

3 COMMISSIONER OLSON: I don't know if you're
4 able to see that. But I actually am unaffiliated on
5 my application, so I guess I can't really help you.

6 CHAIR COLLINS: Okay. So I guess maybe that,
7 that would be - that would be one thing to first
8 discover, if in fact, we do have more than a bare
9 majority who are members of a political party. And if
10 we could hopefully get that straightened out sooner
11 than later, because again, I - what I don't want to
12 have us happen is that we work for 10 or 11 months,
13 and somebody doesn't like one of the things that we
14 do, and then all of a sudden, we become this, this
15 lawsuit.

16 And it would just be easier - in the same way
17 that the, you know, the Mayor was very, very gracious,
18 and basically created a procedure that didn't, you
19 know, require you to believe that Chapter 50 is
20 applicable, in terms of picking the Chairperson, and
21 the way that he was gracious in doing that.
22 Hopefully, we can try to avoid bringing, bringing any
23 kind of legal problem by not trying to take one route
24 or the other that would conflict with anything. And
25 since there seems to be a way to do it without

1 conflicting with anything, hopefully we can at least
2 get that straightened out some. Yes, Member Batangan.

3 COMMISSIONER BATANGAN: And I guess we could
4 proceed by trying not to violate either law. Could we
5 also just find the clarification as to which one is
6 applicable?

7 CHAIR COLLINS: Definitely. That's definitely
8 something we can do, and that's something that we can
9 discuss during the rules, the proposed rules, and/or
10 something we can add to an agenda for a - the next -
11 another meeting, specifically on that issue. So -
12 okay. Are there any other questions with Mr.
13 Whittaker's presentation so far? Otherwise, if you
14 want to continue moving forward.

15 KEOLA WHITTAKER: Sure. And let me just say,
16 these are really good questions. And you've pointed
17 out some ambiguity in the law, which I think the
18 Charter Commission - and just to point you to one
19 example - the County of Hawaii was dealing with
20 similar issues about the applicability of Chapter 50.
21 And so they amended their charter to include a lot of
22 Chapter 50, actually within their charter. So that's
23 something that you might want to consider. But
24 definitely appreciate these questions, and definitely
25 don't mind any disagreement, because it helps us think

1 through these issues, and think about, you know,
2 possible problems, and to solve them before they
3 become problems.

4 Just one thing on, on party membership. I did
5 look into what that means, in terms of that provision
6 within Article 13. And it does mean more than just
7 selecting the primary ballot. It, it means that
8 you've actually registered with the party. So maybe
9 that can help us resolve this issue. We can talk to
10 individual members, and maybe won't have to worry
11 about it. So - share the screen again.

12 Okay. So we'll move on. You may or may not be
13 entitled to a thousand dollars. I'll word it that
14 way.

15 Okay. Let's talk about the timing for ballot
16 questions, because there are multiple layers of timing
17 that you should be aware of. So, there is HRS 11-
18 119(b), which requires that the exact wording of all
19 questions and issues be submitted to the Chief
20 Elections Officer no later than forty - 4:30 p.m. on
21 the 75th calendar day before the election. And this is
22 something that the, that the Clerk's Office brought
23 up.

24 And then, in Charter Section 14-3, it says that
25 you should have the, the draft Charter amendments

1 submitted to the County Clerk within 16 months after
2 your appointment. And then Section 50-9 of HRS
3 requires that the Charter Commission submit a draft of
4 the proposed Charter to the County Clerk within thirty
5 days after it's received back from the Council, and if
6 no changes are rec-- if no, if the Council doesn't
7 recommend any change, or at the expiration of the
8 deadline for Council to recall any rejected changes.

9 I put a couple a couple asterisks here, because
10 another question is whether 14-3's sixteen month
11 application would, would trump this deadline. But
12 again, just to be safe, we want you to operate under
13 both time deadlines - the earlier time deadline. That
14 makes sure that we don't violate any law.

15 So, taking that into consideration, these are
16 sort of the key deadlines. I've outlined more in, in
17 the memo, but your first key deadline is February 19th,
18 2022, which is the last days to submit proposed
19 amendments to Council. And then about a month later,
20 Council submits their alternatives to you.

21 And then, as the County Clerk's Office
22 indicated, June 20 of 2022 is your last day to submit
23 a final report of all amendments to the County Clerk.
24 And then the digest has to be published by September
25 24th, 2022. The reason for some of these dates is

1 because some of the deadlines fell on a Saturday, if
2 necessary, push that to Friday. If it a fell on a
3 Sunday or a holiday, it gets pushed to the Monday. So
4 that's how we came up with these deadlines. That's
5 all I have. Available to answer any questions.

6 CHAIR COLLINS: Are there questions? Member
7 Batangan.

8 COMMISSIONER BATANGAN: Yes, this is pretty
9 general. But the prima facie materials - this one,
10 and all of the ones we've had previously - can they be
11 made available, either by posting them, or by
12 distribution to the members?

13 KEOLA WHITTAKER: We can do both.

14 CHAIR COLLINS: Are there any other questions
15 from members? Mr. Whittaker, I have a question. How
16 much - oh, Member Deslauriers, do you have a question?

17 COMMISSIONER DESLAURIERS: Well, yes, but it's
18 - it, it's really on the powers of the County. And
19 I'm wondering if we would have an overview as to
20 really what - we're empowered as a County, and what
21 the State is empowered, and how we can distinguish the
22 two so that we're keeping in line with what we can do.

23 KEOLA WHITTAKER: That's - that's a great
24 suggestion. We can put together a presentation for
25 the next meeting, if that's what the Commission would

1 like. I think that might be helpful.

2 CHAIR COLLINS: Any members have any other
3 questions? Mr. Whittaker, I have a question about -
4 there's been a lot of discussion about transcripts
5 costing thousands of dollars, and hiring this person
6 or that person. And I'm just curious - what is our -
7 at this moment, what is our budget for this fiscal
8 year, which ends in three months? And like, where,
9 where do we find more information about that?

10 KEOLA WHITTAKER: Have those numbers for you -
11 Richelle?

12 RICHELLE THOMSON: Yeah. So for, for this
13 fiscal year, there is no earmarked budget set aside.
14 One of the things is that Council - the appointment
15 process really got going very, you know, very quickly.
16 So previous Charter Commissions had started more like
17 the, you know, May, June kind of timeframe, so really
18 didn't incur very many expenses.

19 However, I, I consulted with Lisa Kahuhu, who
20 is our - she's our - everything - or at least, she
21 does all of our - she's our mother. And she told me
22 that we do have sufficient funds within the Corp.
23 Counsel budget to be able to handle what we're
24 anticipating as the expenses for the Charter
25 Commission, you know, transcription, and you know,

1 copying, and, and things like - we have sufficient
2 funds in our budget for this fiscal.

3 For fiscal '22, the Council - we are asking for
4 \$100,000, and that should be sufficient, according to
5 Lisa, to cover the proposed analyst position, the
6 secretary position, and then also the court reporting
7 fees, for a transcription service.

8 When we get to those items a little bit later,
9 I can kind of tell you - we, we can talk over how that
10 can be solicited to procure - there's a couple of, of
11 ways we can do it, when we get to those items. So,
12 \$100,000 is what is anticipated, and you know, for
13 next fiscal year, which starts July 1. And then we'll
14 be asking for additional money the following fiscal
15 year, also.

16 If we do need - you know, additional - if
17 we're, if we're thinking that we need additional
18 funding, or the proposals for those staff people ends
19 up coming in kind of high, we may need to go back to
20 Council for a budget amendment to add some funding
21 there, if we can't absorb it in our budget.

22 CHAIR COLLINS: Okay. Thank you. Are there
23 any other questions regarding the B.4, the orientation
24 on the various laws by Corporation Counsel? No?
25 Okay. The next item of business is the consideration

1 of schedule of Charter Commission regular meetings for
2 2021. Thank you very much to Ms. Thomson and Mr.
3 Whittaker.

4 Okay. Well, we had a really difficult time
5 finding four hours to meet together. So I'm not
6 exactly sure how you folks want to meet, how often you
7 want to meet. You know, there's typically a period in
8 a non-pandemic time that, that the past Charter
9 Commissions have gone out to the different
10 communities, populated areas of the county to
11 basically just receive public testimony, and to ask
12 lots of questions of people who gave public testimony.

13 And then after that part was done, then the
14 next phase of the Commissions were to go through
15 substantive proposals, and that was the bulk of, of
16 the time. Of course, people can still testify and,
17 and make proposals, but the focus goes away from
18 input, to deliberation and consideration. So that may
19 be a factor to consider, in terms of scheduling.

20 And also, I had made a suggestion to Corp
21 Counsel when we were having difficult, but we stuck
22 with the four hour thing - was to possibly have a
23 shorter meeting, shorter meetings, but have a recess,
24 so that instead of having one four hour meeting, we
25 had basically, a meeting of four hours that occurred

1 over two different time periods, as opposed to one
2 long, continuous one. So that's also another
3 possibility. Does anybody have any position, or nay
4 particular information about the calendaring of --

5 COMMISSIONER CHUN: Mr. Chair?

6 CHAIR COLLINS: -- the meeting?

7 COMMISSIONER CHUN: Chair Collins?

8 CHAIR COLLINS: Yes, Member Chun.

9 COMMISSIONER CHUN: So, I mean, just as a
10 jumping off point for the members to consider - I
11 believe the last group met twice a month, in four-hour
12 blocks that were prescheduled so that people could
13 kind of mark, you know, their calendars accordingly -
14 not that we have to do that this time, but just for
15 everyone's consideration, I believe that's what's been
16 done in the past.

17 CHAIR COLLINS: Yeah. And Member Kuoha, you
18 had --

19 COMMISSIONER KUOHA: Just a, a question for
20 clarification. If we were to take a recess and have a
21 second two-hour meeting, do we get all - like, new
22 testifiers, as well? Like, we have to - we have to be
23 open to all the, like, additional testifiers?

24 CHAIR COLLINS: Only if, only if testimony
25 hasn't closed. If we go for two hours and testimony

1 hasn't concluded, then when we start up the recessed
2 part of the meeting, then we would have to complete
3 the testimony. But if the testimony portion of the
4 meeting were closed before the recess, then no, there
5 would be an obligation to hear further testimony. And
6 that's actually what the legislators who made that
7 amendment to the Sunshine Law specifically said - that
8 if there was a lot of testimony, that boards and
9 commissions should be allowed to recess their meeting
10 to another day so they could do their deliberation.
11 Member DeLeon, you raised your hand?

12 COMMISSIONER DELEON: Yes, I just wanted to
13 confirm Grant's thought on that. It was two, two
14 blocks of, of four, every month - at the previous
15 Commission.

16 CHAIR COLLINS: Okay. I guess one - oh - wait
17 a minute - did I freeze? No. I guess one
18 consideration that I have is - how many members
19 generally work during the business day? Yeah. So
20 there's, there's - yeah, there's several. So I, I, I
21 wonder what the, you know, whether having an evening
22 meeting is better, or a Saturday meeting is better? I
23 - maybe people have other obligations other than work
24 that make that difficult, as well.

25 COMMISSIONER CANTO: Chair?

1 CHAIR COLLINS: Member Olson? Oh --

2 COMMISSIONER OLSON: Just as we try to invite
3 greater public participation, you know, it's a little
4 bit more difficult because so many people are involved
5 in the hospitality industry, that nine to five is not
6 necessarily the norm. But if we had something - the
7 more people that we're able to reach, to invite in,
8 the better. And I think - I think generally, evenings
9 tend to be better, but I am absolutely open to
10 disagreement there.

11 CHAIR COLLINS: Member Canto?

12 COMMISSIONER CANTO: I'm just going to throw
13 this out there. So, Thursday and Fridays work for me.
14 But I don't do well at night. So - you're going to
15 get all these differences from all of us - but
16 Thursday and Friday would work for me. And as, as I
17 said before, I don't - nights will not work for me.
18 And Saturdays are not good for me.

19 CHAIR COLLINS: Okay. Member DeLeon?

20 COMMISSIONER DELEON: So in reference to Member
21 Olson's comment, evening meetings are best for, for
22 public meetings, where you're, actually, you're trying
23 to elicit the public to come in. But it's - that's --

24 COMMISSIONER OLSON: Um-hmm.

25 COMMISSIONER DELEON: -- different than a

1 working meeting, where you were - you want to grind.
2 And you're going to have people come in on both - it's
3 public law that everybody can come in at any meeting.
4 But - so where you're actually targeting like Lahaina,
5 or you're actually talking - going to Hana, or going
6 to Molokai, then yeah - I mean, that's an evening
7 meeting, because it would be a waste of time to do it
8 in the daytime.

9 COMMISSIONER OLSON: Perhaps a hybrid?

10 CHAIR COLLINS: Okay.

11 COMMISSIONER DELEON: That's - I mean.

12 CHAIR COLLINS: Do any other members have any,
13 any feedback or comments about scheduling? Okay.

14 Maybe the - maybe Ms. Vincens has --

15 COMMISSIONER KUOHA: Chair?

16 CHAIR COLLINS: Oh.

17 COMMISSIONER KUOHA: Chair Collins

18 CHAIR COLLINS: I'm sorry.

19 COMMISSIONER KUOHA: My --

20 CHAIR COLLINS: Yes, Member Kuoha.

21 COMMISSIONER KUOHA: My preference is that we
22 set a calendar, so that through the year we can work
23 around it. That's - whether we're working in two hour
24 blocks, or four hour blocks, twice a month, or four
25 times a month, I, I personally am kind of flexible, as

1 well as time. But you know, for those who have a, a
2 busy working day, I'm - you know, a late, a late start
3 to our meetings - I'm open to that, as well.

4 COMMISSIONER CHUN: Mr. Chair?

5 CHAIR COLLINS: Yes, Member Chun?

6 COMMISSIONER CHUN: Maybe the best strategy for
7 - at this point, would have Ms. Vincens do a Doodle,
8 like she did to plan for this meeting, and you know,
9 determine what would be the most workable for our
10 regular, for our regularly scheduled meetings.

11 CHAIR COLLINS: Ms. Vincens, I was actually
12 going to ask you if you had any comments and feedback,
13 based on your experience in general.

14 SECRETARY CORY VINCENS: Sure, Chair. What may
15 work is if the thought is, either working first week
16 of the month, and a third - if you're going to hold
17 two meetings, right - the first week is on a Thursday;
18 maybe the next one is on another day during the week.
19 So, the first and third week, or the second and fourth
20 could be a good place to start, with keeping two
21 meetings, and to also have consistency.

22 If you're trying to engage the community, and a
23 greater participation, maybe one of those meetings is
24 in the evening, and your second meeting, or whichever
25 way it goes, is - is shorter, allows for deliberation,

1 more deliberation. Those are just some ideas off the
2 top of my head. I can do a Doodle, but it would be
3 helpful to have some direction, if we're doing it in a
4 first and a third, or a second and a fourth, and day
5 and timeframe.

6 CHAIR COLLINS: So I, I just know that for
7 myself, the meetings that are oriented, the initial
8 meetings that are oriented towards getting public
9 input probably would be better to have later in the
10 day. I think the earliest one I can recall, and maybe
11 Member DeLeon can correct me, I think started at five
12 o'clock, at the Tavares Community Center in Pukalani -
13 if - I - or maybe the one on Molokai started earlier.
14 I didn't attend that one, I just read the minutes of
15 it.

16 But as, as I recall, the earliest one of the
17 public input meetings were - started relatively late
18 in the afternoon. But then the actual business
19 meetings did not follow that schedule. So --

20 COMMISSIONER DELEON: I can't recall.

21 CHAIR COLLINS: Yeah. Okay. So do, do, do
22 folks - would folks rather have two four-hour
23 meetings, or, or two-hour - or, or two, two four-hour
24 meetings that are split over two separate days, so
25 that we - so that - what is more convenient? I, I'm

1 not going to take a vote, but maybe I can do a straw
2 poll. How many people --

3 COMMISSIONER BATANGAN: Chair --

4 CHAIR COLLINS: -- prefer - oh, yes --

5 COMMISSIONER BATANGAN: Chair?

6 CHAIR COLLINS: -- Member Batangan?

7 COMMISSIONER BATANGAN: So, so when you say two
8 - you, you mean per month - is that correct?

9 CHAIR COLLINS: Per month. So, I - just a
10 straw poll by a show of hands - oh, member Mardfin.

11 COMMISSIONER MARDFIN: I'm going to be sort of
12 the, the problem. I am free virtually any time, 24/7,
13 except June and July. And that - June and July, every
14 month - every - during the weekdays, I'll be busy in
15 the morning. Afternoons are fine. But I, I teach at
16 UH Manoa from Hana, and I'll have a, a six-week
17 session, where I can't do anything in a day, a weekday
18 morning. Aside from that, I'm probably as free as
19 anybody.

20 CHAIR COLLINS: So maybe what we can do first
21 is a straw poll, just seeing, in terms of what's
22 preferred. Who, who - who would - among the other
23 alternatives, who would prefer to have two four-hour
24 meetings a month, that are four hours straight
25 through? Okay. It looks like - that's --

1 COMMISSIONER PURDY: I am online too. I'm good
2 with that.

3 CHAIR COLLINS: Okay. Great. That makes it a
4 lot easier that we're in agreement on that, because
5 the other alternative is somewhat complicated.

6 So I guess then the question becomes - that
7 would be suitable for a Doodle poll - is to find out
8 what block of time that would be. For, for myself, in
9 terms that I, I - I know that I am involved in a Land
10 Use Commission contested case that possibly will
11 exclude Wednesdays and Thursdays every other week
12 until July. For some reason, somebody thought it was
13 going to only last three, three meeting days. And we,
14 we haven't even gotten through our first witness yet,
15 and we've already gone through three days. So - so,
16 yeah, so that - for me, that might be a, a limitation.
17 But maybe through the Doodle poll, we can find times.

18 And then, I guess the question is - is - since
19 everything is presently remote, it, it seems that
20 there - we wouldn't necessarily have meetings in each
21 community physically, but it would be still possible
22 to make the invitation - still have those same
23 meetings, and make the invitation to those
24 communities, and I - that we could maybe prioritize
25 people from that area, of being allowed to testify

1 first. So though we aren't physically going to a
2 community, we still are orienting ourselves towards
3 the community.

4 So that - those - if we still keep with that,
5 that process, those would, I think, probably would
6 continue to be suited for late afternoon or, or early
7 evening meetings. But I guess maybe, just as a straw
8 poll, not taking an official vote - you know, is, is
9 everybody okay with that? Does anybody have an
10 objection to having these initial public input
11 meetings in the late afternoon, or early evening? No
12 - everyone's (unintelligible)

13 COMMISSIONER CHUN: Mr. Chair?

14 CHAIR COLLINS: Mr. Chun?

15 COMMISSIONER DELEON: I'm good.

16 COMMISSIONER CHUN: I'm fine with that. I just
17 want to put out there that for those meetings, I've,
18 I've found in the past that it, Fridays and Saturdays
19 are not good for the public, in general. If we want
20 input, we need to do it not on a Friday or Saturday.

21 CHAIR COLLINS: That's right - although - I
22 guess --

23 COMMISSIONER DELEON: Or anywhere's near
24 Christmas.

25 CHAIR COLLINS: With - with all sports

1 canceled, and no paddling, maybe that - maybe it's not
2 the normal Thursday, Friday. But yeah --

3 COMMISSIONER OLSON: Spring sports - spring
4 sports, they're resuming on Monday the 22nd.

5 CHAIR COLLINS: Oh. Well, then there really
6 will be a Friday and Saturday.

7 COMMISSIONER OLSON: (unintelligible)

8 CHAIR COLLINS: Okay. So I guess --

9 COMMISSIONER KUOHA: Chair, Chair, I just want
10 to - you know, I just want to clarify. So - this -
11 Keoni.

12 CHAIR COLLINS: Oh, yes, Member Kuoha.

13 COMMISSIONER KUOHA: Sorry. So the meetings
14 that we're setting up, and, and we're going to - you
15 know, Ms. Vincens is going to establish, or help us
16 establish - these are also possibly going to be our
17 public outreach meetings, in these same timeframes?
18 We're not going to create other additional outreach
19 meetings - is that, is that where, where we're heading
20 with this conversation?

21 CHAIR COLLINS: I think the idea is, if we
22 continue with previous practice, is the first set of
23 meetings that we have are really just for public
24 input. And then whatever administrative things, or
25 (cuts out) possibly having, you know, presentations on

1 additional information, like the, the State versus
2 County powers, which has already been raised. And
3 actually, I also wanted to - hopefully, we can have a
4 Kahuieow (phonetic) training, as well.

5 But, you know, basically the first - well,
6 meetings are to get public input, and then do these
7 informative, administrative, non-decision-making type
8 actions. And then when that period is done, then to
9 have business meetings that are primarily oriented
10 towards reviewing proposals, and making - deliberating
11 and, and possibly making decisions - but not to stop
12 public input, but to orient that way. And it may be
13 that we need to have multiple periods of, of public
14 input. But at least initially, unless there's a
15 reason to immediately dive in with proposals and
16 deliberation, to have a few meetings that are oriented
17 towards public input. I don't know if that answers
18 your question. Okay. Ms. Vincens, you have a
19 question?

20 SECRETARY CORY VINCENS: So, Chair, I've just
21 gone back into the last time the Charter met, and
22 looked at what was the schedule from that period of
23 time. And they had their regular scheduled meetings,
24 and then they had a public schedule of meetings. And
25 the public, to Mr. Chun's point, was that they were

1 held on Monday, Tuesdays, and Wednesdays. They were
2 held at 6:30 in the evening, at various locations. In
3 addition to that, your regular Charter meetings, some
4 of them occurring - from the look of this, it was
5 multiple times, even on the same day. So you may have
6 met from 12 to four on the 13th, and then reconvened at
7 6:30 to hold a public meeting

8 I think what I'll do, as I send out that - when
9 you get that Doodle, is to also include in that email,
10 these schedules as a point of reference for you to
11 take into consideration on how this can flow for
12 everyone. But I just wanted to be clear that this is
13 a block of four hours that we're looking at, correct?

14 CHAIR COLLINS: Yes. Everybody's in agreement
15 that doing two blocks of four --

16 SECRETARY CORY VINCENS: Okay.

17 CHAIR COLLINS: -- is, is preferable. So I
18 guess another question for members is, in terms of
19 having community meetings, or meetings where we're
20 encouraging the community to give their input, you
21 know, there's many places - there's many places on
22 Maui. And so, it, it would seem a little bit
23 unreasonable to have a particular meeting for every
24 single named population center. For example, does
25 Waihee and Popakalu (phonetic) need to have separate

1 meetings - that, that type of thing. And so - Member
2 DeLeon?

3 COMMISSIONER DELEON: So from my experience -
4 is that it gets really intense when, I mean,
5 geographically, when you start talking about district
6 representation, or, or some kind of representation,
7 other than what we have now. So for instance, we
8 already have a proposal from Mr. Mayer that would
9 change the arrangement. The residents of Hana - no,
10 not so much as Hana, but as Molokai or Lanai, are very
11 guarded of the, of the positions that exist now. So
12 they, they'll want to have input. They want to make
13 sure that they're, they're, they're getting what they
14 want out of that. And so you, you know, that might
15 actually, if, if allowed, if we get out of the
16 pandemic enough, we, we, we might need to be going to
17 those communities, to have those conversations, or if
18 we are proposing changing the elective system.

19 CHAIR COLLINS: Sure. So, I, I - yeah. So
20 along those lines - I mean, presently, we have the,
21 the county in a - on a regional basis is divided into
22 Council member residency areas. That's one way of
23 carving up. Another way is community plan areas.
24 Another way are house districts, although those - it
25 seems those are a little bit convoluted, to ask folks

1 to, to come to a meeting based on their house
2 district. But those are some of the different ways.

3 Another way is, of course, the, the Moku,
4 although I'm not sure if the five Moku that make up
5 the East Maui residency area each need to have their
6 own community meeting. So, in any event, it - you
7 know, I, I don't have a particular preference. We
8 could have a community meeting oriented towards each
9 community plan area, or each Council member residency
10 area. That, to me, seems logical, and most people
11 know what area of the island that they're on. And
12 that's - I - if I recall correctly from 10 years ago,
13 that's more or less what happened with the last
14 Charter Commission. There was one Upcountry. There
15 was one in, you know, there was one on, on Molokai,
16 there was one on Lanai. And that basically each area
17 had a, had a meeting.

18 So does, does anybody have any strong opinion
19 against having a, a, a meeting which is oriented
20 towards the residents of, let's say each Council, each
21 Council residency area, so that we have a meeting
22 that's oriented towards the West Maui, South Maui,
23 Upcountry, East Maui, Omakua (phonetic), Wailuku,
24 Kahului, and then Lanai and, and Molokai. Does
25 anybody have any strong resistance to, to doing that?

1 Okay. If we, if we do do that, and we have two
2 meetings a month - if, if we do it that way, that
3 basically is going to take us until July, through
4 July.

5 FEMALE SPEAKER: Lance, I think Keoni has a
6 question.

7 CHAIR COLLINS: Oh, I'm sorry. For some
8 reason, Keoni is --

9 COMMISSIONER KUOHA: Oh, I'm sorry --

10 CHAIR COLLINS: -- frozen on my screen. So --

11 COMMISSIONER KUOHA: Yes, Chair Collins --

12 CHAIR COLLINS: -- go ahead. I'm sorry.

13 COMMISSIONER KUOHA: So, so Member DeLeon's
14 point - and I'm, I'm trying to think through process
15 at this point. So it makes a lot of sense that we're,
16 we take a lot of community feedback from the - at the
17 very beginning. Then we're going to start working and
18 creating proposals. There's going to be a time period
19 where we're going to have to go back to community for
20 feedback. And that's, that's really where, you know,
21 I, I think, you know, what - depending on the proposal
22 that's going forward, and I - it seems like we're
23 going to have some sort of districting proposal,
24 likely. Then, then we're going to want to set aside
25 some really good time to go into communities and hear

1 feedback then, too.

2 So you know, I just - I just want to get a good
3 sense of what - how we're seeing our meetings set.
4 Right now, I see a whole slew of meetings, mainly for,
5 for business, and then a bunch of meetings early on
6 for initial community input. And then a bunch of
7 meetings later in the process for, for people that
8 will really give us detailed feedback about the
9 proposals that are coming forward.

10 CHAIR COLLINS: Yes. That's - I think that's
11 more or less what, what, what is being suggested. I,
12 instead of trying to calendar a year worth of meetings
13 upfront, I think the best thing to do would be to look
14 at what we're doing in smaller increments, and
15 calendar for those increments. And then as we get
16 close to the end of an increment, then we'd calendar
17 for the next increment, just because, like - who knows
18 what's going to happen by July. You know, we could be
19 facing global thermonuclear war, or like, everybody in
20 the world could be vaccinated, and you know, we could
21 have blockbuster visitors to Maui again. So who, who
22 knows what's going to happen by July.

23 So it, in, in my mind if, if everybody is okay
24 with having our first number of meetings be oriented
25 towards getting public input, that might make it

1 easier in terms of scheduling these first meetings.
2 And then you know, in addition to the public input,
3 because I - if I recall correctly - I think it was
4 either the - it wasn't the Kehae (phonetic) one. It
5 must have - was the Pukalani - either the Pukalani one
6 or another one, like, three people showed up to
7 testify. And I think everybody was done before
8 sunset. So - it - you know, some of these meetings,
9 we can have the public input, and then have a
10 presentation on the Powers of the County, or, or, or
11 something. You know, other things to - for training,
12 or for us to get a better understanding of what we're
13 looking at, so that that's all out of the way.

14 But if, if there's no strong resistance to
15 that, then perhaps the Doodle poll can be oriented
16 towards that, that we're going to be scheduling these
17 public meetings, or public input oriented meetings.
18 Member Batangan?

19 COMMISSIONER BATANGAN: I'm - I think that's a
20 good idea. I would also like to throw out, if we go
21 by community plans rather than Council member
22 districts, we have an even eight by omitting Koalabai
23 (phonetic), and would like to recommend that we go
24 that route, rather than do nine districts.

25 CHAIR COLLINS: That, that sounds okay to me.

1 Maybe we could just have anybody that is oriented
2 towards Koalabai could just - we could just include
3 that with the South Maui oriented one, so nobody feels
4 like we're excluding. Okay. Well, so if, if that is
5 okay - Ms. Vincens pointed out that all of the
6 meetings started at 6:30. For some reason, I have a -
7 my memory is fading, I guess - of these public input
8 meetings. Is, is that - is that an okay time to
9 start? I mean, I, I recall possibly one of the
10 reasons why those meetings started that late is
11 because everybody had to drive to wherever the meeting
12 was, and we don't have that situation. So it's
13 possible that we could, because people don't have to
14 travel, that we could start somewhat earlier. Member
15 DeLeon?

16 COMMISSIONER DELEON: You, you want to give
17 time for people to have dinner, get the kids home, and
18 take care of business at home, and then, then go to
19 the meeting - even though it is electronic now, so
20 it's much simpler - you don't have to get in the car
21 to get there. But, yeah, I mean, that's kind of why -
22 you, you want to be - let the families still have time
23 to operate.

24 CHAIR COLLINS: Yeah. So, yeah, so Member
25 Deslauriers, do you have a question?

1 COMMISSIONER DESLAURIERS: Well, yeah, just a
2 comment. If we were to start at five o'clock, and
3 allow people to come in and testify, you know, along
4 the line, that would give us plenty of time before we
5 end at, let's say, nine o'clock, and, and still keep
6 our wits about us. So, I would recommend starting at
7 five, and people could come in after they get their
8 other things completed. I think that because of what
9 we're dealing with, in terms of COVID, and all this -
10 things with jobs, people will be much more available
11 at five, perhaps.

12 CHAIR COLLINS: Okay. Member Canto?

13 COMMISSIONER CANTO: I, I would have to
14 disagree. I think five, five o'clock is a little bit
15 too early for the working population, by the time they
16 get home and settled, you know, I, I think it's a
17 little bit too early at five. So I would prefer six,
18 or 6:30.

19 CHAIR COLLINS: Okay. Member Olson?

20 COMMISSIONER OLSON: I was just going to
21 suggest splitting the difference to 5:45, thanks to
22 Chair Collins.

23 CHAIR COLLINS: Okay. Yeah, I just - my only
24 concern is if we start at five - if we - yeah. So if
25 we go for four hours, and start at, at 6:30, we're

1 going to be having a meeting until 10:30 or 11 - if,
2 if it goes for - I, I don't know. I don't recall -
3 maybe other than Molokai, I don't recall any of the
4 meetings 10 years ago, the community input meetings
5 going for the full time. So --

6 COMMISSIONER DELEON: That's accurate, that's
7 accurate, Chair. They're, they --

8 CHAIR COLLINS: Yeah.

9 COMMISSIONER DELEON: They're, they're not
10 really that long. I mean --

11 CHAIR COLLINS: Yeah. I, I think there was --

12 COMMISSIONER DELEON: -- that's why I think,
13 though, that optimizing the time when people can be
14 there, that can be - make the time, is better. Thank
15 you.

16 CHAIR COLLINS: Uh-huh. Yeah, so - okay, well
17 then - I mean, so maybe - is, is six o'clock - Member
18 Olson?

19 COMMISSIONER OLSON: If we start at six
20 o'clock, and somehow we are utterly inundated with
21 people who want to provide testimony, do we not have
22 the option of recessing, and then we have a window of
23 time to say, okay, we're going to come back on this
24 day?

25 CHAIR COLLINS: Yes. We do have the

1 opportunity to recess a meeting, and continue it to
2 another day or time. So that is something - if, if
3 that were to happen, that's something that we could
4 address at that time.

5 COMMISSIONER OLSON: Although the idea of going
6 to 10:30 at night for a meeting like this is so
7 awesome.

8 CHAIR COLLINS: Yeah, I mean, it would be nice
9 if we had so many people in all of these different
10 communities that each wanted to give their three
11 minutes, and we ended up - that would be amazing. I
12 would be totally amazed if that happened. So, we can
13 hope - we can only hope. But in the meantime --

14 FEMALE SPEAKER: (unintelligible)

15 CHAIR COLLINS: Yeah - okay. Ms. Vincens, you
16 have a question.

17 (background chatter)

18 SECRETARY CORY VINCENS: So - sorry. Something
19 else, though, to consider, is that these schedules, we
20 can publish them, but they are subject to change,
21 because you may get to a meeting that starts at 5:30,
22 and it only goes 'til 7:30. Or you may have one - so
23 it, it's going to vary from time to time, as well. So
24 you don't get locked in, say, 'We will be available
25 until - from 5:30 to 8:30,' and let people wander in -

1 if you can wrap it up in two hours, that may be a more
2 efficient use for everyone.

3 CHAIR COLLINS: Okay. I guess, you know, if
4 we're narrowing it down for these first couple of
5 months, it's going to be on a particular evening. And
6 the, the better days to have it are Monday, Tuesday,
7 or Wednesday. Maybe we can just do a straw poll, and
8 skip the Doodle poll, here. Who is generally
9 available twice a month on Wednesday evenings?

10 COMMISSIONER PURDY: I am.

11 CHAIR COLLINS: Okay. Okay. One, two, three,
12 four, five, six, seven, eight, nine. Okay - sort of?
13 Okay. Okay. How about Tuesdays? Who's good on
14 Tuesday.

15 COMMISSIONER PURDY: I am.

16 CHAIR COLLINS: And Tuesday is similar, okay.
17 Okay. And how about Mondays? Mondays aren't
18 spectacular for me, but yeah, I can do those, too.
19 Okay.

20 SECRETARY CORY VINCENS: Chair, Ms., Ms. Canto
21 had earlier stated that she works on, in the evenings
22 on those days, so --

23 CHAIR COLLINS: Oh, I see. I'm sorry.

24 SECRETARY CORY VINCENS: She's available --

25 CHAIR COLLINS: I misunderstood that.

1 SECRETARY CORY VINCENS: -- Thursdays and
2 Fridays. Yeah.

3 CHAIR COLLINS: Okay. Okay. Well, how about
4 Thursdays? What about Thursday evenings, twice a
5 month?

6 COMMISSIONER PURDY: I am.

7 CHAIR COLLINS: Okay. Looks like everybody.
8 So we may be having these first round of meetings on
9 Thursday evenings. I don't know - the LUC will not be
10 meeting at six o'clock in the evening, so it'll just
11 be a very long day for me. No worries. Okay. Well
12 if that's the case, then --

13 COMMISSIONER MARDFIN: Mr. Chairman --

14 CHAIR COLLINS: This is the 18th.

15 COMMISSIONER MARDFIN: Mr. Chairman.

16 CHAIR COLLINS: Oh. I'm sorry - Member
17 Mardfin?

18 COMMISSIONER MARDFIN: Yeah. And just to be
19 clear, are we talking about virtual meetings, or in
20 person meetings?

21 CHAIR COLLINS: I think based on the Governor,
22 the Mayor's Emergency Proclamation, that all in person
23 meetings of boards and commissions are, are not
24 allowed. So I think that these will be virtual until
25 that changes.

1 COMMISSIONER MARDFIN: Because that will, that
2 will be helpful for any of you that would have to
3 drive into Hana, or me who would have to - all except
4 for one, drive out of Hana, if they're going to be
5 virtual. And - but we're still going to have them
6 directed at a particular location? So one of the
7 evenings would be Hana, and all the Hana people would
8 have to get organized for that meeting. And then on
9 some other day, it would be Upcountry people that
10 would have to kind of get together.

11 CHAIR COLLINS: Yeah, the - that we would
12 basically be saying we're taking public input from the
13 residents of whatever area. And obviously, any member
14 of the public is permitted to testify, but that we
15 would, I guess, give preference to the people of that
16 area, and tell them that we're - our focus is on the
17 issues of that area.

18 COMMISSIONER MARDFIN: Thank you.

19 CHAIR COLLINS: Yeah. But I - and I - perhaps,
20 well and I'm not exactly sure how this works. But
21 perhaps we can - I, I'm, I'm sure there's, there's
22 some way that, you, you know, we can - I, I don't know
23 if we need to ask people, like, 'Where do you live?'
24 Or there's - or but there's some way we can figure
25 that out so that we can prioritize the people of a

1 particular area, when, when testifying. So, okay. So
2 I guess the first question is, is - if we're doing
3 Thursdays, that the - do we want to do it the first
4 and third Thursday of the month, or the second and the
5 fourth Thursday of the month. Does anybody have a
6 preference?

7 COMMISSIONER KUOHA: Chair Collins, I, I would
8 - I, I think the first and third is a good option.
9 And - as long as it doesn't conflict with anyone, it -
10 we might be able to stick with the first and third
11 throughout the year. If we go with the second and
12 fourth, then we're going to hit Thanksgiving, and,
13 and, and Christmas.

14 CHAIR COLLINS: Okay. And - yeah, and it
15 actually just happens that April has five Thursdays in
16 it - not that we need to have an extra meeting, but
17 it's - yeah. Member Batangan?

18 COMMISSIONER BATANGAN: For clarification, this
19 is only for the initial meetings, right? We're not
20 scheduling --

21 CHAIR COLLINS: This is --

22 COMMISSIONER BATANGAN: -- our working meetings
23 at this time.

24 CHAIR COLLINS: Yeah, at this time, we're not
25 scheduling the rest of the meetings. This is just for

1 the first eight meetings, that we'll orient towards
2 various local, local communities.

3 COMMISSIONER BATANGAN: Just making sure,
4 because I'm not going to have Thursdays free in the
5 evenings until Thanksgiving.

6 CHAIR COLLINS: Okay. Wait, wait. Run that by
7 us again - so you're not available on Thursday
8 evenings?

9 COMMISSIONER BATANGAN: I am --

10 CHAIR COLLINS: Oh.

11 COMMISSIONER BATANGAN: -- for the, for now.

12 CHAIR COLLINS: All right. Yeah.

13 COMMISSIONER BATANGAN: But come the holiday
14 season, I probably will not be.

15 CHAIR COLLINS: Oh, yes, definitely. So that's
16 why, yeah, we're not going to schedule everything at
17 this moment. Probably as we get closer to the end of,
18 of this public input thing, we'll - that will probably
19 be the time where everybody should get their calendars
20 together, and, and we'll figure out what the right time
21 is. Okay. So, does anybody have any strong feelings
22 against using the first and third Thursdays?

23 COMMISSIONER KAPOI: So, Lance, let me
24 understand. You have the - April 1, 15, and 29 for
25 the month of April?

1 CHAIR COLLINS: Just April 1 and 15.

2 COMMISSIONER KAPOI: Okay, not the 29th. All
3 right.

4 CHAIR COLLINS: And then it would be May 6th,
5 and May 20.

6 COMMISSIONER KAPOI: Okay.

7 CHAIR COLLINS: June 3rd, and June 17th. July
8 1st, and July 15th. Member DeLeon?

9 COMMISSIONER DELEON: Well, for clarity, these
10 are supposed to be outreach meetings?

11 CHAIR COLLINS: Yeah, these would be primarily
12 outreach meetings. But then we would also have on the
13 agenda, informational presentations - to the extent
14 that there's --

15 COMMISSIONER DELEON: It's an awful --

16 CHAIR COLLINS: -- time is available.

17 COMMISSIONER DELEON: It seems like an awful
18 generous use of our limited time, for, for this kind
19 of outreach. I, I could see Molokai, and, and Lanai
20 getting it, or - and Hana getting their separates.
21 But it - this is a geographical available technique.
22 It, it's not like you're driving to someplace, and
23 you're meeting just with that community. And so, you
24 know, and we're going to be online. People are going
25 to come at us, in any case, even though we're saying

1 that this is for Lanai, or this is for another
2 district.

3 And we really are limited in time - so 11
4 months is, that's a short frame to be working, and,
5 and having amendments, we can - we can - we've
6 prepared and be ready to, to bring out. I would be
7 cautious about frontloading that much of our time on
8 maybe not that productive of, of, of, of a set of
9 meetings - because you might have - like you said,
10 you do get meetings where, like, three people show up.
11 This is the Charter of Maui. Most people don't go to
12 work and think about the Charter of Maui. You know,
13 they're just going, you know, going through their day.
14 They're not going - you know, the usual suspects are
15 going to show up in any case, and - and there might be
16 some people with some geographic issues. But I think
17 that's more to do with Lanai and Molokai than it is to
18 do with anything else on, on, on - in the county. And
19 - and by, by spending this much on, just on outreach,
20 can be done more efficiently. I, I think it's kind of
21 a mistake, personally.

22 CHAIR COLLINS: Okay. Do you suggest that
23 maybe we focus on two areas for each meeting? And
24 that would collapse it down to basically having -
25 instead of eight meetings, we would have four?

1 COMMISSIONER DELEON: Something like that,
2 yeah. And you know, and play it by ear, you know.
3 If, if we do get overrun, if, if something magnificent
4 happens, and, and 50 people are - want to talk to us,
5 well, I'll be - I'll be seriously amazed, but, but
6 I'll also be pleasantly amazed. So, so it's - it -
7 you know, it goes - works both ways. But I mean, I
8 don't see it happening, and from my experience, I
9 don't see it happening. And, and we, maybe we'll have
10 - we may have 10 people who want to talk to us at - in
11 Lahaina - or, or not. I remember driving to Lahaina,
12 and we didn't have 10 - we had like, three. So I
13 mean, and then, thinking - I got a ticket coming home
14 because I was driving too fast. But anyway, so I do
15 remember that night.

16 But yeah - we could waste our time. And, and -
17 but we don't really have a lot of time to waste, if
18 we're going to be productive, I think. And - and I
19 mean, just with Dick - Dick Mayer's list, that's
20 enough for three months right there.

21 CHAIR COLLINS: Yeah. I'm, I'm glad he was
22 able to reduce that to writing. That saved a lot of
23 time. Okay. Well, does anybody have any strong
24 feelings against having two community plan areas
25 focused for each, each meeting?

1 COMMISSIONER CANTO: How would you --

2 CHAIR COLLINS: Okay.

3 COMMISSIONER CANTO: -- separate it out, Lance?
4 How would you separate out the districts - I'm sorry.

5 CHAIR COLLINS: Sure. So you know, this, this,
6 of course not - doesn't have to be this way. But my
7 thought would be, one way of doing it would be to have
8 one - this is just based on what Member DeLeon just
9 said - is to have one that is - that's South Maui and
10 the Upcountry community plan areas. One that is the,
11 the - I think it's, it's Paia Haiku, right? That's
12 the name of it, the Hamakua. Paia Haiku, and East
13 Maui, would be one. West Maui and Wanahee (phonetic)
14 be one. No, I'm sorry. Wait, I have that wrong.

15 COMMISSIONER DELEON: That works. That works.

16 CHAIR COLLINS: I'm missing one now.

17 COMMISSIONER PURDY: (unintelligible) and
18 Molokai.

19 CHAIR COLLINS: Oh, the, that's - so the
20 Upcountry one is the one that would go with South
21 Maui. So, South Maui and then the Upcountry one.
22 Hamakua and the East Maui - although, somehow that's
23 wrong.

24 COMMISSIONER CHUN: Wailuku and Kahului.

25 CHAIR COLLINS: Wailuku, Kahului, that, that's

1 one already. But it's also a huge, populated area.
2 Let's see, Hamakua - maybe Molokai could have its own,
3 because the - the - it's like, historically, those
4 public meetings, from the 1960 forward, have always
5 been highly attended meetings. And then West Maui and
6 Lanai - is that every - all of them? Member Batangan,
7 did I - did - does that cover all of them?

8 COMMISSIONER BATANGAN: I - I've been losing
9 track when we, when we backtracked.

10 CHAIR COLLINS: Sorry. South Maui, Upcountry -
11 one. Kahului, Wailuku one. Hamakua, East Maui -
12 that's two. Molokai is one. And then West Maui,
13 Lanai would be another. So that's - that's eight.
14 That's eight. Eight community plan areas.

15 COMMISSIONER DELEON: Yeah. Yeah.

16 CHAIR COLLINS: And then Kahoolawe would also
17 be tied in to the South Maui and Upcountry one. Okay?
18 Is there a particular order?

19 COMMISSIONER DELEON: No.

20 CHAIR COLLINS: No? Okay. So I'll just --

21 SECRETARY CORY VINCENS: Chair --

22 CHAIR COLLINS: -- work with, with Ms. Vincens,
23 then, on figuring that, that part out. That way, we
24 don't have to waste any more meeting time on that.
25 Member Deslauriers - Deslauriers - sorry.

1 COMMISSIONER DESLAURIERS: Oh, just a question.
2 You know, as we solicit information from the different
3 communities - what is the process for that
4 solicitation? Will that be coming through the County?
5 Will we be going through the Commissions that they do
6 have set up in those regions? How can we communicate
7 to the population that these meetings will be
8 available?

9 CHAIR COLLINS: That is a very good question.
10 So I think how we - so the part, with respect to the -
11 with respect to the memoranda that the Mayor and - is
12 going to be sending out to all of these different
13 people, or has already sent out to all of these
14 different people - that, we should talk about when we
15 get to that part of the agenda.

16 But in terms of publicizing, my understanding
17 is that Corporation - that the Corporation Counsel's
18 staff, who is being our interim staff, will post it on
19 the - on all of the electronic areas. And I think
20 it's basically up to the newspaper, or us
21 individually, to inform the public that these meetings
22 are, are occurring, because I don't - at this moment,
23 we don't have a system set up to have any other way of
24 announcing those things. Member DeLeon?

25 COMMISSIONER DELEON: Well, we might want to

1 consider having a PR person on retainer, because we
2 have a lot of PR to do along the way, and it's going
3 to require some selling, and get the people to pay
4 attention to understand what we're proposing. So it
5 might be good to have - you don't have to - not
6 regular staff, these don't have to be at every
7 meeting. But that person would be available to us to
8 be able to go, go chase out the press releases, and
9 hit Akaku, and, and all the other places it needs to,
10 to get a pump, every time we need a pump.

11 CHAIR COLLINS: Okay. So we can discuss that
12 under Item Eight, which we're going to get to - having
13 an additional staff person. But I think that that's
14 something that should be talked about.

15 Okay. So if we're okay with the scheduling of
16 meetings - so we would only be looking, right now, at
17 April 1st, April 15th, May, May 6th, and May 20th. Okay?

18 COMMISSIONER CHUN: Mr. Chair, I thought you
19 said there were going to be five meetings?

20 CHAIR COLLINS: Well, there were originally
21 going to be eight, and then we reduced it down to --

22 COMMISSIONER CHUN: Five, right?

23 CHAIR COLLINS: Oh, did we do five? One, two -
24 -

25 COMMISSIONER CHUN: Yeah.

1 CHAIR COLLINS: -- three, four - yep, we sure
2 did.

3 FEMALE SPEAKER: Good.

4 CHAIR COLLINS: Okay. Sorry. So that takes us
5 to --

6 COMMISSIONER CHUN: June 3rd.

7 CHAIR COLLINS: It makes - takes us to June 3rd.
8 Okay.

9 SECRETARY CORY VINCENS: Chair? I have six.
10 You dedicated Molokai to its own meeting. I have
11 South and Upcountry, Kahoolawe, West Maui, Lanai,
12 Molokai, Hamakua, East Maui, and Wailuku, Kahului.

13 CHAIR COLLINS: Two, three, four - so five - so
14 South Maui, Upcountry, Kahoolawe, one. Kahului,
15 Wailuku, two. Paia, Haiku, East Maui - three.
16 Molokai, four. West Maui, Lanai, five.

17 SECRETARY CORY VINCENS: And Molokai?

18 CHAIR COLLINS: Yeah, that would be the - that
19 was the - that's the fourth of the, of the five. So
20 West Maui, Lanai would be one.

21 SECRETARY CORY VINCENS: Thank you.

22 COMMISSIONER BATANGAN: Chair - sorry.

23 CHAIR COLLINS: Yes, Member Batangan.

24 COMMISSIONER BATANGAN: Your - the second was -
25 which two districts?

1 CHAIR COLLINS: It's, it's just one -
2 Kahoolawe, Wailuku.

3 COMMISSIONER BATANGAN: Okay, and just one -
4 because it's a larger one.

5 CHAIR COLLINS: Because it's a larger area,
6 yeah.

7 COMMISSIONER BATANGAN: Okay.

8 CHAIR COLLINS: Because it's a larger one, and
9 also because Molokai usually has a high level of
10 public participation. Yeah. Okay. Okay. Is, is -
11 are there any objections to, to having those meetings,
12 and at those times, and at those dates? None? Okay.

13 So we can go on to Item B.6, which is the
14 consideration and approval of rules of the Maui County
15 Charter Commission. I just wanted - oh, Member
16 Batangan, did you have a question?

17 COMMISSIONER BATANGAN: Yeah. Chair, may I
18 request a recess?

19 CHAIR COLLINS: Oh. Sure.

20 COMMISSIONER BATANGAN: Sorry. It's been a
21 little bit.

22 CHAIR COLLINS: Absolutely. It's, it's been
23 almost two hours. Okay. Is - before we do that,
24 Member Deslauriers, do you have a question about that,
25 or a comment, as well?

1 COMMISSIONER DESLAURIERS: I, I just wanted to
2 find out the start time. Will, will it be at six
3 o'clock, then?

4 CHAIR COLLINS: Oh.

5 COMMISSIONER DESLAURIERS: Or 6:30?

6 CHAIR COLLINS: At six - at, at six o'clock.
7 Okay. Six o'clock. Yeah. So - yeah, I guess before
8 we go into the rules, we can take a recess. How much
9 time does, do folks need? Ten minutes? That, is that
10 reasonable? Oh --

11 COMMISSIONER OLSON: If you guys don't mind -
12 15 minutes. I'm going to start dinner for my parents.

13 CHAIR COLLINS: Oh. Sure. Why don't we take a
14 15 minute break, and reconvene at 2:10.

15 COMMISSIONER OLSON: Thank you.

16 CHAIR COLLINS: Okay. So we'll be in recess
17 until 2:10.

18 (RECESS IS TAKEN)

19 CHAIR COLLINS: So the Charter Commission
20 meeting of March 18th is reconvened at 2:11. The next
21 item on our agenda is the rules of the last Charter
22 Commission, and the draft rules that I believe
23 Corporation Counsel has proposed, with some revisions.
24 And I wanted to - oh - okay. Ms. Thomson has a --

25 RICHELLE THOMSON: Just a --

1 CHAIR COLLINS: -- a (unintelligible)

2 RICHELLE THOMSON: -- quick - what I wanted to
3 offer that, if it's helpful to you folks, I have the
4 one version of, of the rules available. And whichever
5 version you want to use. I, I do not have the Word
6 version of the 2011 rules, but I can make changes, as
7 we - as you go through it, and redline, and I can do
8 that on screen, if it's helpful. I just wanted to
9 offer that.

10 CHAIR COLLINS: Sure. So I was just going to
11 say, sort of as a preface to this item, is that - that
12 we have many legal obligations regarding how we
13 conduct our business, and those rules of procedure are
14 binding on us. We can't change those rules. Like, we
15 have to post notice of our meetings six days
16 beforehand. We have to allow the public testimony -
17 those, those sorts of things.

18 In the absence of any adopted rule, there are -
19 there's the common parliamentary law that's derived
20 from custom, and custom and usage. And many of those
21 procedures have been codified in places like Robert's
22 Rules of Order, which we're temporarily using.

23 And then there is an area of our procedures
24 where we can proceed in a variety of ways. And it's
25 in this area that I believe it is prudent to adopt

1 rules. And I also think it's prudent to adopt rules
2 only in this area - that the purpose of rules should
3 be to eliminate confusion by agreeing on a particular
4 manner of doing something, when we have the choice in
5 doing it in more than one way. But where the law
6 gives us no choice, there is no point in restating
7 that as a rule.

8 And so I, I would strongly recommend that we
9 have our legal counsel provide us a memorandum,
10 systematically outlining what all of those duties are,
11 with respect to procedures, and focus our rules solely
12 on where we have a choice to do something more than
13 one way, and we pick what that - what that way is
14 going to be.

15 So, that said - with that said, most of the -
16 most of the rules in the, in the draft that's been
17 provided are really just restating requirements of
18 State law, or the Charter, or both. Or they're
19 restating portions of Robert's Rules of Orders. And I
20 think that it would be a lot simpler to not have all
21 of that in there, because they're not really rules
22 that we get to pick. They're binding on us. And it
23 would be more helpful to have a memorandum that
24 systematically goes through what all of those are, as
25 opposed to picking some of the State laws that are

1 binding on us, and, and calling them rules.

2 So that being said, I have identified nine
3 items from the rules from 10 years ago, that are
4 actually discretionary, that we can - actually can
5 choose different ways of doing things. And I'm not
6 exactly sure how I'm allowed to share, but I actually
7 created a document of what they are. I, I don't know.
8 I - it doesn't seem like on BlueJeans you can give
9 everybody a --

10 KEOLA WHITTAKER: Should be able to share.
11 There's no restrictions.

12 RICHELLE THOMSON: Yeah.

13 CHAIR COLLINS: On, on BlueJeans?

14 KEOLA WHITTAKER: Yes.

15 CHAIR COLLINS: I, but I don't know - it's not
16 - it only allows me to put text in the Chat box. I
17 can't put a, a file.

18 KEOLA WHITTAKER: If you go to the top, by
19 where your microphone is, right (unintelligible) push
20 the button to Share Screen.

21 CHAIR COLLINS: Oh, to share the screen. No, I
22 meant, actually allowing everybody to look at the file
23 itself. There isn't a way to do that in BlueJeans?
24 Sorry, I usually use Zoom, and that's - you just drop
25 it in the Chat box, and everybody gets it. That's not

1 allowed in BlueJeans - somebody who knows more about
2 BlueJeans? Okay. Well, I - let me try sharing the
3 screen, then, and - oh, I think we're getting feedback
4 from somebody. Okay. Did I successfully share a
5 screen?

6 MALE SPEAKER: Oh - oh, there it is.

7 CHAIR COLLINS: Maybe I can email this to Ms.
8 Vincens, and she can send it off to, to, to everybody.

9 FEMALE SPEAKER: The - Chair --

10 MALE SPEAKER: Go full screen. Go full screen
11 on that.

12 CHAIR COLLINS: Oh, okay. Is that better?

13 MALE SPEAKER: Yes.

14 CHAIR COLLINS: Okay. Sorry.

15 FEMALE SPEAKER: And Chair, if you send it out
16 to me, I can also do it simultaneously.

17 CHAIR COLLINS: Okay. Great. I think I just
18 sent it. So - this is a little bit - sorry. I'm not
19 used to doing this.

20 So as I mentioned, there were nine, nine rules
21 out of all of the pages and pages that were not
22 repeating what's required by State law, that is not
23 repeating some portion of Robert's Rules of Order, and
24 that is - refers to a procedure where we have
25 discretion on what we want the procedure to be.

1 So my proposal or suggestion is to limit our
2 rules to those things that we actually have control
3 over, and to separately have a memorandum with respect
4 to all the - all procedures that we have a legal duty
5 to follow, separately, and not include them in our
6 rules - because one, the, the rules from the last
7 Charter Commission do not have every rule that's in
8 State law. It only selects some of them.

9 And so I, I think it's just a little bit
10 confusing to have rules that aren't actually rules
11 that we can change, but then also not stating all of
12 the rules that are binding on us in State law. And so
13 it would be more efficient, and simpler to have the
14 rules that we do have control over separated from what
15 our legal duties are as a memorandum, separately.

16 Okay. I'm sorry. I - let me see if I can make
17 this bigger. I see someone's hand's up, but I can't
18 see who that is. Member Olson.

19 COMMISSIONER OLSON: Thank you, Chair Collins.
20 Would it require a motion in order to separate out our
21 actual - I guess these would be like standing rules,
22 correct, as opposed to laws, etc.

23 CHAIR COLLINS: That's right. So right now, we
24 have nothing - we're not - we, we - there's - on - you
25 know, we have the rules from the last Charter

1 Commission, which are not binding on us. Corporation
2 Counsel has drafted some revisions to that, and has -
3 and that's been sent out to everybody. I have this
4 version that just included those rules that we have
5 control over. And then I should say, I don't know if
6 you got the email yet, if it's been sent out. But
7 actually, at the very end I've included two that are
8 not currently in any version, that I, that I've added,
9 that I'd like to propose - Rule 10 and 11.

10 But One through Nine are basically, I've pulled
11 those out of the rules from 2011, more or less. And
12 so, it's, it's up to you folks how you want to
13 proceed. I think it's a lot simpler to just focus on
14 what we have control over, and have our rules be that,
15 and then get a - as soon as it's, it's possible, get a
16 memorandum on what - I mean, we know what the Sunshine
17 Law is, right? We don't need to restate the Sunshine
18 Law as our rule. But it would be good to have at
19 least have a systematic discussion of what, what
20 procedures we have to follow, and not, not make those
21 - not restate them as rules, because they're already
22 binding on us. Member Batangan?

23 COMMISSIONER BATANGAN: Chair - first thing,
24 I'm okay having the redundancy. If it is binding on
25 us, I don't mind it being in here, as well. I mean,

1 we're going to follow it, either way. But it would be
2 helpful for me if you identified on the, the document
3 that had been posted previously, which are the nine.
4 It's harder for me to get a sense of what's being
5 changed, since this is a brand new document, and, and
6 spatially, I'm having to go look around for things on
7 the original one. Would you mind pointing out, on the
8 version that was posted, the - by Corp. Counsel, which
9 of the nine provisions are discretionary, and which
10 ones that you recommend keeping or amending?

11 CHAIR COLLINS: Sure. So the nine are the
12 Governing Parliamentary Law. Number - the second one
13 is relating to Meetings. The third is Abstention from
14 Voting. The fourth are the Additional Duties of the
15 Chairperson. Five are the Duties of Staff. Six is
16 the Commission Agendas Filing Deadline. Seven is the
17 Order of Business. Eight is the Administration of
18 Public Testimony. And Nine is Travel Expenditures.

19 COMMISSIONER BATANGAN: I guess - sorry. Can I
20 - so how have your proposals changed from what's being
21 presented, or what was publicly posted?

22 CHAIR COLLINS: Well, I'm removing. Okay - I -
23 that - let me --

24 COMMISSIONER KUOHA: Chair --

25 CHAIR COLLINS: Let me --

1 COMMISSIONER KUOHA: Chair Collins?

2 CHAIR COLLINS: Yes.

3 COMMISSIONER KUOHA: Chair Collins?

4 CHAIR COLLINS: Member Kuoha, while I'm looking
5 for this other document.

6 COMMISSIONER KUOHA: I, I think, if I'm hearing
7 Member Batangan correctly, and I, I understand the
8 approach. We all looked at the, the, the, the version
9 that was sent out, and, and including the public. Is
10 there some way to use that as the baseline version for
11 you to describe these changes, so we can follow that
12 other version, and you can say, you know, 1.2 is a
13 repeat of, of something that's required, or - and, and
14 essentially --

15 CHAIR COLLINS: Oh, I see.

16 COMMISSIONER KUOHA: -- outline the proposal --

17 MALE SPEAKER: Yeah.

18 COMMISSIONER KUOHA: -- from that direction?

19 CHAIR COLLINS: Sure. I can --

20 COMMISSIONER BATANGAN: (unintelligible) it's
21 not a redline version. I'm trying to understand
22 what's, what's different from what we have reviewed
23 prior.

24 CHAIR COLLINS: Sure. Sure. Let me stop
25 sharing the screen, because it's limiting my ability

1 to look at one, more than one document at a time.

2 Hopefully, everybody got a copy of this. Okay.

3 SECRETARY CORY VINCENS: Chair, I did send it
4 out to everybody a couple minutes ago.

5 CHAIR COLLINS: Okay, great.

6 SECRETARY CORY VINCENS: So, please check your
7 emails.

8 CHAIR COLLINS: Okay. So pulling up what's
9 been described as the draft rules for 2021 - Rules 1.1
10 and 1.2 are unnecessary. Rule 1.3 is also
11 unnecessary, because it's required by HRS 92-15, and
12 by Section 13-28 of the Charter. Rule 1.4 is also
13 unnecessary, for the same reason.

14 Rule 2.1, 2.2, and 2.3 - those are
15 discretionary, and those are reflected in my proposal
16 as Rule 2 - a, b, and c. Rule 2.3, part of it - Rule
17 2.4, and 2.5 are also unnecessary, because they're
18 just stating what is required by the Sunshine Law, at
19 92-8, 92-4, and 92-2.5.

20 Rule 2.6 is - appears as Rule 2a - sorry, 2c,
21 in my proposal. That is discretionary. And what I am
22 proposing here is that a meeting shall not be recessed
23 for longer than six calendar days.

24 Rule 3.1 is - it's unnecessary because HRS 92-
25 15, I think, 50-8, and Charter Provision 13-28 all

1 state what a quorum is. We have no authority over
2 that. And I think possibly, it may also be illegal.
3 But - doesn't matter. And the same reason for Rule
4 3.2.

5 Rule 3.5 is unnecessary because again, it's
6 stating something that's already stated in 92-15, and
7 also in the Charter at Section 13-28. Rule 3.6 is
8 unnecessary, and possibly might, might violate the -
9 those two sections I just cited. Rule 3.7 is
10 discretionary, although there are some limitations in
11 Section 10.4 of the Charter, and, and so - let's see,
12 where is that. Oh, where did it go? Oh, Rule 3 -
13 sorry. Rule 3 is - would be the Rule 3.7.

14 Rule 3.8, basically is restating Rule Four from
15 Robert's Rules of Order, starting on page 43 of the
16 11th Edition. And since we're already adopting
17 Robert's Rules of Order, I, I don't really see the
18 need to pick certain provisions of Robert's Rules of
19 Order to restate in the rules, because we're - I mean,
20 all of them would be binding on us.

21 Rule 3.9 is basically repeating Rule 16, Rule -
22 and parts of Rule 45 of Robert's Rules of Order. Rule
23 4.1 basically lays out everything that's in Rule 47 of
24 Robert's Rules of Order, except for Items J through O,
25 which have been pulled out, and is now Rule 4 in my

1 proposal.

2 Rule 5 - I don't think there's going to be any
3 need for us to have committees, and I think it's
4 totally - the rules is - in, in my view is excessive.
5 But be that as it may, all of Rule 5 and 6 is
6 basically restating Rule 50 and 51 of Robert's Rules
7 of Order. And so I don't see a need to have to have
8 multiple pages of, of describing what goes on. And it
9 - I also think it creates committees into a formality
10 that is unnecessary for our work. We're, we're not a
11 legislative body. So. Rule 4 - 7.1, and 7.2 - is
12 covered by Rule 45 of Robert's Rules of Order.

13 Then Rule 8.1 is definitely something that's
14 discretionary on our part, and that is included as
15 Rule 6 in my proposal. Rules 8.2, 8.3, 8.4, and 8.5
16 are all required by the Sunshine Law - HRS 92-7.

17 Rule 9.1 is mostly covered by Rule 41 of
18 Robert's Rules of Order, but to the extent that it's
19 not, or that we vary from it, partly because we except
20 public testimony, I've, I've put that as Rule 7.

21 Rule 9.2, again, is already covered by Rule 51
22 of Robert's Rules of Order. Rule 10.1, of course, is
23 think is a great idea, and that's been proposed as
24 Rule 1 in my proposal.

25 Rule 11 - Section - sorry, Section 11 - of

1 course, partly is constrained by the Sunshine Law, and
2 partly is discretionary. And I am proposing what's
3 known as Rule 8 in my proposal. The only thing that I
4 think I've, I've added that is not in the Section 11
5 is under D, Disclosure of Lobbyist Status, that each
6 testifier who's a paid lobbyist as defined by the
7 County Code would disclose that at the beginning of
8 their testimony.

9 And then - let's see - and the Rule, Section 12
10 - yeah. So Section 12, you know, it's a little bit
11 confusing because I think that part of what was
12 proposed here in Section 12 might actually conflict
13 with the County Code Chapter 2.48. But in any event,
14 to resolve that or to avoid that, I'm proposing a Rule
15 9, which is sort of simplified.

16 And then Rule - Section 13, the Meetings by
17 Video Conference - I think is already covered - or by
18 the Sunshine Law in 92-3.5. And so that would be
19 excluded.

20 And so the only two things in my proposal that
21 are new, that are - have not been written about
22 anywhere previously, would be what I identify as Rule
23 10. And that says that all information of the
24 Commission, including communications from its
25 attorneys, shall be open to public inspection, unless

1 the Commission has affirmatively voted to restrict the
2 information, and that restriction is based upon one or
3 more of the reasons enumerated in HRS 92-5, or HRS 92-
4 13. To the extent staff or another non-commissioned
5 person designates any information as confidential, if
6 the Commission does not ratify that designation at its
7 next meeting, the information shall be deemed open to
8 public inspection at the adjournment of said meeting.

9 And then the final proposed - the final rule
10 which I'm proposing that just does not appear in the
11 2011 rules is, to the extent authorized by the Maui
12 County Counsel, the Commission shall be advised by
13 independent counsel. And that primarily is directed
14 at what appears to be a dispute between the Attorney
15 General, the Counsel, and the Mayor, and Corporation
16 Counsel about the applicability of Chapter 50.

17 So - I'm not sure if that answers all of your
18 questions. But that's my proposal. Member Kuoha?

19 COMMISSIONER KUOHA: (cuts out) Collins. So I
20 - you know, that was very helpful to go through, and,
21 and to look more carefully. Just to understand the
22 options before us - is it possible that, you know,
23 say, members want to read a little bit further. They
24 actually want to get some legal advice from others to,
25 to consider the proposal you've brought before us -

1 is, is it in line for us to continue with, as we are
2 under the rules of Robert's Rules, and then reconsider
3 the, the proposal for - at our next meeting? And this
4 is just in case folks are not ready to digest all of
5 that in this one sitting.

6 CHAIR COLLINS: It's totally up to the
7 Commission. There's, I don't think there's a problem
8 with it. The only thing is that the - we don't
9 presently have a rule for the administration of public
10 testimony. But of course, as you saw, the, the Mayor,
11 who was acting as our facilitator at the beginning of
12 our meeting, was able to administer public testimony
13 without, without having a rule to, to rely on.

14 So, you know, basically, any procedure that the
15 Commission has discretion to follow, or not follow,
16 that - the, the Commission, as a - as the majority of
17 the Commission at any time can choose to do it however
18 they want to. So even if we don't presently have a
19 rule on the administration of public testimony, if you
20 folks that I'm not administering fairly, you would be
21 entitled as a majority, to basically appeal a ruling
22 of the Chair, and make another, another call.

23 So - yeah, it's better to have rules adopted,
24 but if folks want more time to consider things, then
25 there, there's nothing that prevents that. And

1 parliamentary law has considered all of these things
2 over the long period of custom and usage. So. Are
3 there any other comments, questions, positions?

4 COMMISSIONER CANTO: Yeah. Chair, I have a - I
5 have a comment, and that's only because I don't
6 understand it. But - so are you saying that early on,
7 when we first started this meeting, that the Mayor, by
8 the Mayor taking the position of, you know, going
9 through the initial starting of our meeting, were we
10 in some sort of violation, taking that route, because
11 there is --

12 CHAIR COLLINS: No.

13 COMMISSIONER CANTO: -- no law?

14 CHAIR COLLINS: No. No, not at all, because,
15 you know, we have the discretion to have anybody
16 preside over our meeting that we want to.

17 COMMISSIONER CANTO: Okay.

18 CHAIR COLLINS: Because nobody made an
19 objection, and basically, we acquiesced to that
20 procedure, and there's nothing in the law that
21 prohibits anybody that we want to preside over our
22 meetings - there, there wasn't a violation - in, in my
23 view. But maybe Corporation Counsel has a different
24 view. I suspect they wouldn't have allowed the Mayor
25 to accept public testimony if they thought it were a

1 violation of law.

2 COMMISSIONER CANTO: Could we hear from Corp.
3 Counsel, then, on, on - on this question?

4 CHAIR COLLINS: Ms., Ms. Thomson, or Mr.
5 Whittaker?

6 RICHELLE THOMSON: Sure. Thank you for the
7 question. No, the, the Mayor's opening the meeting,
8 and receiving public testimony was - is in accordance
9 with the law, so that's not a problem with that. The
10 other thing that happened at the beginning of the
11 meeting, was the Mayor's acknowledging that HRS 50,
12 and certain portion of - in the Charter - may be
13 either ambiguous, you know, or potentially in
14 conflict. We don't see that they are in conflict.

15 But you know, that was - as I understood it,
16 that appeared to be the reason that he made a proposal
17 for Chair, but ultimately said that whoever the Board
18 selected as its Chair, that he would appoint them so
19 that it was no - you know, that it was okay under
20 whichever, whichever law was applicable. He - what he
21 was trying to do, as, as I see it, is make sure that
22 you didn't run afoul with either Charter provisions,
23 or the State law.

24 COMMISSIONER CANTO: All right. Thank you.
25 Thank you, Chair.

1 CHAIR COLLINS: Any other comments? Member
2 DeLeon?

3 COMMISSIONER DELEON: Well, Mr. Chair, I'm, I'm
4 - I'm - I'm always amazed by your, your encyclopedic
5 knowledge of administrative law. And, and I could see
6 your wish to, to simplify this. I'm much a 'simpler
7 is better' kind of guy, too. But if - you know, in
8 case somebody who doesn't Robert's Rules to the degree
9 you do, or does not know the State admin law to the
10 degree you do, it might be a problem for, you know,
11 for the rules not to be, be clearly stated someplace,
12 in, in, in one form.

13 I understand what you're trying to do, and I
14 think it makes sense. But I just - you know, I, I
15 think your perspective is of, of a person who has
16 really deep knowledge of all this stuff. And we're,
17 we're a basically a, a nonprofessional board here, who
18 are - it's not made up of attorneys who deal with
19 administrative law, day in and day out. So it doesn't
20 off the, the, the tip of the tongue right away, for,
21 for me, anyway. Thank you.

22 CHAIR COLLINS: Member Mardfin?

23 COMMISSIONER MARDFIN: Yes. I think it's
24 useful not to - I, I agree with your premise, that we
25 shouldn't put in stuff that's already there and that

1 we're bound by. And so I like your idea is that we
2 just trim it down to where we have discretion. And
3 I'd like to do as much of that today as possible. But
4 I also understand, there may be some portions of that,
5 that we can't do today - that some people would prefer
6 to get some more advice on.

7 But my proposal would be that we go down the
8 ones that you had proposed, you lay out the options.
9 We choose the ones we want. If somebody has an
10 objection to that, or wants to defer that to a later
11 meeting, they ought to be able to do that. But that
12 would get us through, I would guess, 90% of it, with
13 whatever seems to be sticking points put off until our
14 next meeting.

15 CHAIR COLLINS: Are there any other comments or
16 questions? Oh, we have a --

17 COMMISSIONER CHUN: Mr. Chair?

18 CHAIR COLLINS: Oh - yes, Mr. - Member Chun.

19 COMMISSIONER CHUN: So, yeah. I just wanted to
20 share. So I - you know, I do understand
21 administrative law, and I understand what you're
22 trying to do, and it's - I know it's all about
23 ensuring that we have, you know, an efficient
24 operation of our Commission.

25 But my concern is, is similar to Mr. DeLeon's.

1 I just want to ensure that the, the other members who
2 aren't as conversant in this kind of process, are
3 comfortable, you know, have a, have a document they,
4 they can hold in their hand, and look at, and
5 understand, you know, what the, what the governing
6 rules of this body are.

7 So, you know, again - it's really - I, but I'm
8 comfortable with it. I'm comfortable. I understand
9 what you're suggesting. And I understand, you know,
10 the rules, and the law, and I'm fine. But as Mr.
11 DeLeon - makes, you know, a good point. Not everyone,
12 you know, lives in this arena, like we do. So we just
13 want to make sure that all of our Commissioners have
14 the tools they need to understand what's going on,
15 understand the parameters, you know, of the work.

16 CHAIR COLLINS: Sure. And I, I should clarify,
17 also, that part of my proposal is to have Corporation
18 Counsel prepare a memo that systematically goes
19 through all of the procedures that we have an
20 obligation to follow - because even in the 2011 rules,
21 not all of those procedures are listed in the rules -
22 only some of them are. And so that, that's part of
23 trying to remove the confusion, by having some of the
24 rules that we can't change, in our rules, but then
25 other ones not being stated. But - Ms. Thomson

1 indicated that she had something she wanted to say.

2 RICHELLE THOMSON: Just before we get too far
3 down the road - I, I think that many of the changes
4 are, are good ones. And I, I agree with, with the
5 Chair that restating things that are in Robert's
6 Rules, or in, you know, State law, and the Sunshine
7 Law, is probably not necessary. It's not wrong, but
8 it's maybe not necessary. But that's a choice of this
9 body. Because the proposed rules by the Chair were
10 just presented today, my advice would be to not adopt
11 the rules until your next meeting, so that you can
12 have the opportunity to have the public weigh in if
13 they need to, for Sunshine Law purposes.

14 CHAIR COLLINS: Okay. Well, while everyone's
15 thinking about that, I also would like to apologize.
16 I had actually requested a copy of the 2011 rules from
17 Corporation Counsel on February 22nd. And when I
18 followed up on, I believe it was March 8th for that
19 copy, I was told that it would be provided when the
20 agenda went out. So I unfortunately didn't have an
21 opportunity to do this sooner than when the agenda
22 came out, because it wasn't available until then. So
23 I apologize. It wasn't my intention to spring this on
24 anybody, and I felt that since the language of all of
25 these rules basically come from what was provided as

1 part of the Board packet, that I think everybody who
2 looked at the Board packet or the agenda, had notice
3 of what was being presented. But if there's a need to
4 have any controversial item, or if something that
5 somebody has an objection be held off until the next
6 meeting, that is equally okay. Member Batangan?

7 COMMISSIONER BATANGAN: For me, I am okay with
8 redundancy by having us adopt rules that are already
9 binding to us. I actually prefer if all of the rules
10 binding to us are in one place, and would like this to
11 be updated to include some of the ones that have been
12 omitted.

13 Then, I guess - yeah, in, in general, since you
14 reviewed the, the postings, (unintelligible)
15 preference would be to work off of those, and amend,
16 rather than wholesale adopt a, a different proposal,
17 since it's hard to go through such lengthy things on
18 the fly. And that's just a personal preference.

19 CHAIR COLLINS: Okay. Are there any other -
20 Member Kuoha?

21 COMMISSIONER KUOHA: Yeah. On a similar note,
22 I think it will also help to - you, you're proposing
23 that a memo be produced that actually captures all of
24 the relevant laws that we should keep in mind as
25 Commissioners. I, I don't think you mentioned this,

1 but I, I'd like to make sure that it's also in there
2 that the relevant rules in Robert's - you know, none
3 of us are - if we haven't already read Robert's Rules,
4 we're not going to read it before and during this
5 Commission. And I think that the current rules that
6 Corporation Counsel have put forward probably identify
7 some of the key points within Robert's Rules that,
8 that come up for Commissioners. So that may be
9 capture in a memo, as well.

10 But it - I, I would be more comfortable putting
11 this onto the next agenda, so that we can - we can
12 fully appreciate a, a, simplified set of rules that we
13 have control over as a, a Commission, as well as the,
14 the full set of, of laws that are already binding to
15 us, and, and we can, you know, make a better
16 consideration at that point. And if we look at it and
17 say, you know what? We want to go with the, the draft
18 from Corporation Counsel, then so be it. But at least
19 we have, we have all the pieces in front of us to make
20 a, a, a better decision.

21 CHAIR COLLINS: Okay. Member DeLeon?

22 COMMISSIONER DELEON: Move to table.

23 CHAIR COLLINS: Okay. Is there a second?

24 Okay. So a motion to table this until the next
25 meeting was made by Member DeLeon, and was seconded by

1 Member Olson. Any further discussion? Okay. All
2 those in favor, signify by saying Aye, and, and - or
3 raising your hand?

4 (Chorus of Ayes)

5 CHAIR COLLINS: Okay. And those who are
6 against? Member Purdy, I didn't see your microphone
7 go on or off. Going once, going twice - okay. The
8 motion carries. Okay. Ms. Vincens - Vincens.

9 SECRETARY CORY VINCENS: Chair, based on this
10 motion that just passed, I'd like to make a
11 recommendation to the Board. In the month of April,
12 there are three Thursdays - that April 1st, this Board
13 - this Commission reconvenes to conclude any
14 unfinished business here. And then begin your public
15 meetings on the 15th and the 29th.

16 CHAIR COLLINS: Okay. Well, the only, the only
17 thing is the rules, which is being deferred to the
18 next meeting. One of the reasons to defer it was to
19 allow members of the public to weigh in. So if we
20 don't include that as part of a new meeting, then
21 members of the public won't be able to weigh in. But
22 I hear what you're saying. So - okay. Why - don't we
23 take - does, does anybody - is, is everybody okay with
24 that? Or is - does anybody have a concern with what
25 Ms. Vincens is proposing - that - that the meeting of

1 April 1st start with any business that we're not able
2 to finish today, and then start a new - start the new
3 meeting immediately thereafter, for the public input.

4 COMMISSIONER CANTO: That's fine, Chair.

5 CHAIR COLLINS: Okay. That's Member Canto.
6 Member Mardfin?

7 COMMISSIONER MARDFIN: Is Member Canto going to
8 speak?

9 CHAIR COLLINS: Oh, I think --

10 COMMISSIONER CANTO: No, she has.

11 CHAIR COLLINS: -- she said that she was okay
12 with the --

13 COMMISSIONER MARDFIN: Oh.

14 CHAIR COLLINS: -- proposal.

15 COMMISSIONER MARDFIN: I'm okay with it, also.
16 Just to note in passing, April 1 is April Fool's Day,
17 so let's hope there's no correlation there between
18 what we're going to do, and, and the particular day.

19 CHAIR COLLINS: Yeah. Okay? Well, if there's
20 no objections by anybody, then we can, we can do that.
21 I don't see a problem with that. So, I'll, I'll work
22 with, with Ms. Vincens on how to address the issues
23 related to the agenda. Mr. Whittaker is --

24 COMMISSIONER DELEON: Yeah, you're
25 (unintelligible) --

1 CHAIR COLLINS: Oh --

2 COMMISSIONER DELEON: Yeah. There you go.

3 CHAIR COLLINS: Yeah. Mr. Whittaker, you have
4 a --

5 KEOLA WHITTAKER: So a few --

6 CHAIR COLLINS: -- comment?

7 KEOLA WHITTAKER: -- of the members have asked
8 for a legal memoranda. I'll send out an email to all
9 of you after today's meeting, that you can respond to
10 just me, and let me know what you would like in that.
11 I think a few people have asked for different things,
12 so I just to make sure I, I get to all the topics that
13 you're interested. And I'll prepare that prior to
14 your next meeting.

15 CHAIR COLLINS: Okay. Thank you. Okay. Well
16 the next item on the agenda are - I don't know that it
17 requires any action by us, but it's just reviewing
18 that - or it is, I guess, a - for us to take action,
19 or not take action - that we - that there's a
20 memorandum to, to basically, everybody in the county,
21 asking them to provide input. Anybody have any
22 questions or comments? And now, does anybody object
23 to sending that memorandum out, as the memorandum
24 indicates. It - the second page is basically a list
25 of who to send it to. Member Olson.

1 COMMISSIONER OLSON: Thank you, Chair Collins.
2 I believe we do need to establish a date for return.

3 CHAIR COLLINS: Yes. So if everybody's okay
4 with the memorandum in general, then the - then the -
5 then the - the next thing is to basically fill in by
6 what date. And I know it says April. But if we're
7 going to be accepting public comments through May, we,
8 we may want to change it to May. But it, it doesn't
9 matter, either way. Depends on if anybody has a
10 strong preference. I mean, if we get it by the end of
11 April, for example, then that will give us more time
12 to process whatever might come. And ostensibly, the
13 officers and employees of the County will have a lot
14 to say about their operations. So - does anybody have
15 any strong preference over this? Anybody have any
16 objections to sending the memorandum? No? Okay.

17 Does anybody have any objection to putting -
18 what's the last working day in April? Last working
19 day is April 30th, the last day of the month. Does
20 anybody have any problems with April 30th being the
21 date that we ask for submissions? That basically
22 gives folks six weeks - just under six weeks to, to
23 respond.

24 COMMISSIONER DELEON: Chair?

25 CHAIR COLLINS: No object-- oh, Member DeLeon?

1 COMMISSIONER DELEON: As long as - as long as -
2 it's written so that it's - you know, like - after
3 April 30th, drop dead, forget about it - you know, if
4 you don't make that deadline, then you can't do it.
5 If there's - somebody that's got something and it
6 comes in the next week, I mean, it should be like, you
7 know, be prohibited to, to be received, you know, if
8 they're a little bit late. The idea of, of having a
9 deadline is just to chase them in. But, but - you
10 know, but not so it's, so it's prohibitive.

11 CHAIR COLLINS: Absolutely. Everybody
12 understand that this is just sort of like - because
13 everybody is - works best under having a date, right,
14 but this isn't saying that if we receive something
15 after April 30th, then we're not going to receive it.
16 We're just - for purposes of this letter, and
17 encouraging people to respond, we're saying April 30th.
18 Is that - everybody's okay with that? Okay.

19 Okay. And we have basically a very similar
20 memorandum going out to the boards and commissions.
21 Does anybody have an objection to the overall
22 memorandum to boards and commissions? Okay, I'm not
23 seeing any - anyone indicating that. And so in terms
24 of the time for this, boards and commissions, of
25 course, meet less. And boards, commissions, and

1 committees, of course, are made up of primarily
2 volunteers. So I would propose giving an official
3 date asking that submissions be received by maybe two,
4 two weeks, or three weeks after April 30th, just to give
5 boards or commission that may only meet once a month,
6 an actual opportunity to think about it before they -
7 Member Batangan?

8 COMMISSIONER BATANGAN: Yeah. I would agree
9 with that. Or even just send it at the end of May,
10 just enough time so that they can meet once, or maybe
11 twice, to discuss.

12 CHAIR COLLINS: Okay. So yeah, that sounds
13 like a great idea. The last working day in May is
14 also the last - oh, but it's the holiday. So maybe
15 May 28th?

16 COMMISSIONER CANTO: Um-hmm.

17 CHAIR COLLINS: Okay. Anybody have any
18 objection to that? No? Okay. Well, I think probably
19 just to make this clean, not to try to overly
20 formalize this - maybe somebody could make a, a motion
21 to approve both of the memoranda, as we just agreed
22 to.

23 COMMISSIONER OLSON: So moved.

24 COMMISSIONER CANTO: So moved, Chair.

25 CHAIR COLLINS: Okay. I think Member Olson was

1 the first one to move.

2 COMMISSIONER CANTO: I second.

3 CHAIR COLLINS: Okay. Member Canto seconds.

4 Is there any further discussion? Okay. Seeing none -
5 all those in favor, say Aye, and/or raise your hand.

6 (Chorus of Ayes)

7 CHAIR COLLINS: Okay. Those opposed? Okay.
8 It passes unanimously. Next item is the review of
9 draft Scope of Commission Analyst. I think
10 historically, just to note that historically, the
11 advertisement for these positions just have gone out,
12 and then usually the Commission doesn't, hasn't
13 previously gone through the duties and
14 responsibilities. So I think this is a new thing.
15 Member DeLeon?

16 COMMISSIONER DELEON: Previously, with John Van
17 Dyke, for I think the last two Commissions, and, and
18 in the last Commission, it was John and his wife - I
19 can't think of the wife's name right off the top of my
20 head --

21 CHAIR COLLINS: Sherry (unintelligible)

22 COMMISSIONER DELEON: Unfortunately, John
23 passed - yeah. And unfortunately, John passed away in
24 the middle of the, the term, and so the, the wife
25 finished the job. But the important part of this is,

1 is that you get a Constitutional attorney who
2 understands the issues we're going to be dealing with.
3 So like when - and when you're dealing with
4 representation and stuff like that, that they
5 understand what's, what's going to pass muster with
6 the Constitution, as well as State law.

7 CHAIR COLLINS: Okay. Are there any other
8 comments, or questions, or points about, about the -
9 Member Batangan?

10 COMMISSIONER BATANGAN: Yeah, Commissioner
11 DeLeon. So the previous analyst as a Constitutional
12 attorney working part time for the board?

13 COMMISSIONER DELEON: Yeah, he, he was on
14 retainer. But he was out of UH, out of UH Law. And I
15 believe he was, anyway, if memory serves correctly.
16 But - yeah, but he, he was a, well, relatively
17 renowned Constitutional attorney. Mr. Collins would
18 probably have a better idea of how to describe his,
19 his function. But you know, so for, for instance, the
20 question of district representation came up and - and
21 during that Commission. And we were dealing with - I,
22 I personally was challenging the, the way we elect the
23 Council now, as being unconstitutional, because it
24 doesn't bear up to one man, one vote.

25 And, and - and he did the review, and he came

1 back and said, 'Well, it, it's Constitutional. It
2 works in, in the - you know, under the Constitution
3 because of the extenuating circumstances of the
4 geography.' But, I mean, so - but you need somebody
5 of that caliber, who's going to be able to answer
6 those kinds of questions when they come up.
7 Otherwise, you're going to be - well, we, we do have
8 a, a, a legal genius as the Chair, but I mean, besides
9 that, we need to have - we need to - I think it'd be
10 good to have independent counsel that is able to
11 handle those questions straight up, and - so that - so
12 that everybody on the Commission's comfortable with,
13 with the result, rather than, you know, is, is that a
14 partisan answer kind of thing. Thank you.

15 CHAIR COLLINS: Yeah. I - I'll just note that
16 Professor John Van Dyke was the Constitutional Law
17 professor at the William S. Richardson School of Law.
18 And actually, his wife is also - the - both of them
19 are, are sort of renowned constitutional and
20 international law experts, . And I, I think his, or
21 their participation as, as Commission Analyst was
22 really along the lines of a public service, as
23 proposed to earning their living by, by being an
24 analyst. So hopefully, if we have something along
25 these lines going out, we'll attract that same type of

1 interest. Member Kuoha?

2 COMMISSIONER KUOHA: Yeah. And along those
3 lines, and I - I don't know if this is a discussion
4 for executive session at some point - but wondering,
5 you know, what, what we budgeted for that position,
6 and - because it's going to impact who we can attract.
7 You know, we might be able to attract a retiree from
8 the law school, with, with the, with the fees that -
9 or the fees that we're willing to pay. But if that
10 isn't an option, we may have to look at increasing the
11 amount of money allocated to that position, in order
12 to attract someone who is - who probably has a lot of
13 other pressures on their time.

14 CHAIR COLLINS: Okay. Does - so does the
15 Council - oh.

16 COMMISSIONER DELEON: The good part about the -
17 okay.

18 CHAIR COLLINS: Member DeLeon?

19 COMMISSIONER DELEON: The good part about the
20 pandemic, of course, is that we have this, this kind
21 of process now, where the, the persons - or the person
22 or persons does not have to fly back and forth between
23 here and Oahu all the time. And you don't have this
24 extra cost of transportation, and their - and their
25 flexibility of time. Their time is more available,

1 too. So you might be able to attract people easier
2 than - the sacrifice that they'd have to do if they'd
3 have had to come over here physically, like
4 (unintelligible) have been doing.

5 CHAIR COLLINS: Maybe - could Ms. Thomson or
6 Mr. Whittaker let us know - what is the - I, I, I
7 recall earlier that this is coming out of your budget.
8 So how much are - how much are we being allocated?

9 RICHELLE THOMSON: Thanks for the question. So
10 we - like I said earlier, we don't have any funds
11 earmarked during this fiscal year, which ends June
12 30th. There's a hundred thousand in next year's budget
13 for these two positions, plus the transcription. You
14 know, and, and like I, I mentioned, also, if we needed
15 to, we could go back to Council and request additional
16 funding for whatever purposes we have. You know. So
17 we can, we can make those - those requests.

18 Of course, the budget is coming up shortly.
19 So, you know, we can, we can note the - and if we know
20 in advance that we are going to be seeking another
21 hundred thousand, or you know, whatever the number is,
22 we can note that during our session, even though the
23 budget already has been submitted. So it would come
24 back as a budget amendment, after the fact, most
25 likely.

1 One of the things also that I wanted to get the
2 (unintelligible) of the Commission on is there are two
3 different ways that we can go about procurement. And
4 so one is under the small purchase threshold. So if
5 we anticipate limiting the, you know, the fees being
6 paid at \$25,000 or less per position, we could solicit
7 those through - it's kind of a quicker procurement
8 process, you know, a "solicit" in quotes, and then we
9 can, you know, put a deadline on it, and then come
10 back to you with (unintelligible).

11 The other would be going out for a - regular,
12 professional services procurement. It may not be
13 necessary for the secretary position. But for the
14 analyst position, if you're seeking a licensed
15 attorney, licensed in the state of Hawaii who has
16 expertise in Constitutional Law - you, you know, if,
17 if we're looking at, and potentially spending quite a
18 bit of money on that analyst position, then they'd
19 have to go by that way of procurement. So that's -
20 you solicit it, you have usually a 30-day window for
21 those solicitations to be responded to. And then it
22 closes, and then we would bring those - whoever
23 proposed - bring those applications back to you.
24 There's nothing wrong with trying the, you know, the,
25 the lower threshold first. And if we don't get any

1 applicants, then, you know, going to the next step.
2 It just - it - you know, it's going to take a little
3 bit of time. So I wanted to get your temperature on
4 that, too.

5 CHAIR COLLINS: Okay. Member Kuoha?

6 COMMISSIONER KUOHA: So while we're talking
7 budget - and I, I heard it mentioned earlier, and, and
8 I had thought about this, as well - in terms of, you
9 know - I guess I could frame it, at this point, in
10 terms of a, a third position. But essentially looking
11 at a publicist, or maybe even a social media person -
12 somebody that's going to help us reach the public for
13 the beginning, to get - to, to stir up and, and sort
14 of make known that we are in this process. I, I
15 think, I think it's going to make a difference how we
16 frame the process to the community. I've already
17 spoken to a number of friends and family, and, and
18 extended networks about the process. And you know,
19 it's really hard for our community to, to bridge, you
20 know, their experience of our County government, and
21 what aspect of that experience is, is relevant to
22 impacting the Charter, the County Charter.

23 And I think that takes a little more time, and,
24 and sort of crafting an outreach in order to, to
25 really get the best - for our community to really

1 understand what's happening. And, and also for our
2 community to see the opportunity in this, and help,
3 help craft that so that they can, they can better feed
4 back to us throughout this process.

5 So I don't want to propose a new position at
6 this point, but I, I think this is - we're talking
7 staffing, and I, I feel like that's a - you know, in
8 this day and age where people are getting a lot of
9 information via social networks, social media, that
10 it's, it's important to consider that as a way for us
11 to better reach the citizens of Maui.

12 CHAIR COLLINS: Okay. I'm going to - okay.
13 Member Deslauriers?

14 COMMISSIONER DESLAURIERS: I, I, I would also
15 just like to reiterate that, because I think it's
16 really important at this time, that we do have the
17 proper outreach, and that it be consistent, and that
18 someone who really has a system already down with
19 social media, where they're able to connect with
20 30,000, you know, on island, easily - I think these
21 are the types of tools that we really need to utilize.
22 So I would like to - again, we're talking near term,
23 also, because we're, we're looking at the next few
24 months, we are soliciting input.

25 So this would be a near term position. I would

1 like to see that happen so that we do have that type
2 of support, and extension out to the community.

3 CHAIR COLLINS: Okay. I - you know, my, my
4 view of what's being discussed is that - not on what
5 should be done, but only that I, I feel that publicity
6 is something that I think, or communication in this
7 way, has been something that's historically been the
8 job of the Commission Secretary - just not in the way
9 that we're describing it presently with social media.
10 And it, it may be that some of those duties and
11 responsibilities that have historically been the
12 Commission Secretary should be separated, or, or
13 bifurcated from, from the Commission Secretary.

14 But that's just - it seems like that that's
15 something that, that would be appropriate. Member
16 DeLeon?

17 COMMISSIONER DELEON: I wasn't picture this as
18 a permanent position, or a, you know, a, a, formed
19 position. I'm thinking of it more like on a retainer.
20 And there also has to be somebody that we can be sure
21 they'll be able to give neutral information, as
22 opposed to one angle or another that's going on in the
23 - on the Board at the time, so that, that at least all
24 sides of presentations, or concepts, or issues, or -
25 are, are, are accurately articulated when stuff goes

1 down.

2 But I'm thinking much more of like - so I, I
3 see two bursts where you need it, really. You need it
4 at the beginning, just to get people to pay attention.
5 And you need another burst when you want -when you're
6 ready to sell your, your amendments at the end. And,
7 and in between, I think we just need to be doing our
8 business. And you have a little bit too much of a
9 hyper thing going on, and especially in social, social
10 media, it can get out of control. And that - and it's
11 an expense we don't really need. I don't think we
12 need to have somebody on both the - on - we just need
13 somebody on a retainer to be able to do that basics in
14 - on the front end, and the back end. Thank you.

15 CHAIR COLLINS: Um-hmm. Maybe this is a - I
16 don't know if this is a question that Corp. Counsel
17 can answer - who presently manages the, the, the
18 social media for the County of Maui, and, and the
19 County Counsel? I, I think there's - they have two,
20 two separate.

21 RICHELLE THOMSON: Right, they, they do have
22 separate, separate IT systems, as well. So I know
23 that if, you know, say, you want something posted on,
24 on the Charter Commission web page, basically, I'd,
25 I'd ask Cory to do it, and then she's able to put it

1 up. Or - and we can ask IT if they need to create,
2 like, you know, a separate type of folder, or
3 organizing system.

4 One of the things that, that Keola and I were
5 talking about offline, while you were discussing, is
6 that we will look into any limitations on social
7 media. You know - we're pretty familiar with the
8 internal accounting social media policy, and all of
9 that. And as it applies to other boards and
10 commissions, that's fairly - fairly concrete. But we
11 will look into that as one of the topics, prior to
12 your next meeting.

13 CHAIR COLLINS: Member Canto?

14 COMMISSIONER CANTO: Chair, I have a question.
15 So --

16 CHAIR COLLINS: Yeah.

17 COMMISSIONER CANTO: -- and as it relates to
18 the analyst, and the secretary - how much time does
19 the County take into getting these individual vested
20 into the, the County? I mean, you know, how much time
21 will it take before you can solidify their, their
22 position?

23 CHAIR COLLINS: So I think one thing is that
24 these will be independent contractors, and that
25 somehow that evades the requirement that they comply

1 with the merit principle in civil service. But in --

2 COMMISSIONER CANTO: Um-hmm.

3 CHAIR COLLINS: -- terms of the procurement, I
4 think what Ms. Thomson was indicating was that if -
5 for the secretary position, which will be under the
6 small purchase procurement, that that can go
7 relatively quickly. But if the analyst is - goes more
8 than \$25,000, then it's going to have to go through a,
9 like a professional services procurement process -
10 that will take a little bit longer. But maybe Ms.
11 Thomson has additional information that she can share
12 with us.

13 RICHELLE THOMSON: The - you stated that
14 correctly. One of the things is that we could try
15 going out for the - under the small (cuts out) analyst
16 position, as well, and just see what happens. And put
17 a, you know, a quick deadline on it, and then move to
18 the professional procurement, if that doesn't work.

19 CHAIR COLLINS: And do you know what the
20 timeline of those would be? Sorry - I think that's
21 what Member Canto was asking. Do, do you - what is
22 the exact timeline for a small procurement versus a
23 professional procurement?

24 RICHELLE THOMSON: Sure. So for a small, a
25 small procurement, we need to go out and solicit no

1 less than three bids for, you know, people who may
2 show interest. So that - it really doesn't take a, a
3 long time. We can, you know, Lisa looked into - or
4 Cory - looked into publishing in a newspaper, those
5 positions. I'm not sure that's the most effective
6 means of, you know, getting the word out. It's also
7 quite expensive. So it was, you know, \$3,000, and
8 there may be a better way of getting the word out. So
9 - it can go quickly.

10 CHAIR COLLINS: Ms. Vincens had a - she wanted
11 to say something for a while, and then Member DeLeon.

12 SECRETARY CORY VINCENS: Chair, you asked who
13 currently manages the County, and the Council
14 regarding social media, or communication. Can't speak
15 for the Council, but the - any communications on
16 social media are conducted by the Comm Team in the
17 Office of the Mayor. And that might be an avenue, as
18 well, for pointing to more information, whether it's
19 on the Charter Commission's site regarding staffing.

20 CHAIR COLLINS: Okay. Member DeLeon.

21 COMMISSIONER DELEON: For - in reference to the
22 secretary position, or, or the staff position I think
23 you were calling it - Kathy Kaohu was the, the, the
24 secretary for the current County Clerk, was the
25 Secretary for the last Commission. And so she has

1 detailed information on, on that function, because she
2 lived through it

3 CHAIR COLLINS: I'm sorry - who was that?

4 COMMISSIONER DELEON: Kathy - the County Clerk.

5 CHAIR COLLINS: Oh she was the Commission
6 Secretary?

7 COMMISSIONER DELEON: She was the Secretary,
8 yes.

9 CHAIR COLLINS: Why don't I remember that part?
10 Is, is, is Kathy Kaohu on the --

11 SECRETARY CORY VINCENS: Actually, it was a
12 staff member - it was a, it was a staff member from
13 Corporation Counsel - very similar name - Lisa Kahuhu,
14 was the --

15 CHAIR COLLINS: Yeah.

16 SECRETARY CORY VINCENS: -- was the Commission
17 Secretary.

18 CHAIR COLLINS: That's what I remember - Lisa
19 Kahuhu was the --

20 SECRETARY CORY VINCENS: The - yeah.

21 CHAIR COLLINS: She was, she was the --

22 COMMISSIONER DELEON: The - oh, okay. Was it -
23 I thought it as Kathy. I thought her name was Kathy.
24 Isn't she the County Clerk?

25 CHAIR COLLINS: Kathy is presently --

1 COMMISSIONER DELEON: The lady who's in it?

2 CHAIR COLLINS: -- the County Clerk. But Lisa
3 Kahuhu, as, as far as I remember 10 years ago, she was
4 the one that I interacted with all the time, as the
5 Commission Secretary.

6 COMMISSIONER DELEON: Oh, maybe I get - getting
7 old.

8 CHAIR COLLINS: Okay. So, we have additional
9 information. So the two things that are on the
10 agenda, but they don't have to be the decisions is the
11 - having a Commission Analyst duties and
12 responsibilities. Corporation Counsel is proposing to
13 have us try this through a quick procurement - sorry,
14 a, a small procurement first. And if that doesn't
15 work, then to propose for professional, professional
16 services procurement, which will take longer. And
17 then the other is whether or not to have one or more
18 people be the Commission Secretary, and where to
19 address the issues of getting advertising, or
20 marketing done for our efforts and, and community
21 outreach as soon as possible.

22 So if we - maybe we can start with the analyst.
23 Does, does anybody have any sug-- Member Mardfin.

24 COMMISSIONER MARDFIN: I move that we try the
25 fast and less expensive way to acquire a Commission

1 Analyst.

2 CHAIR COLLINS: Okay. Is there a second?

3 COMMISSIONER OLSON: Second.

4 FEMALE SPEAKER: Second.

5 CHAIR COLLINS: Okay. So it has been moved by
6 Member Mardfin to use the small procurement process
7 first to acquire a Commission Analyst. And that has
8 been seconded by Member Olson. Is there any further
9 discussion on that point? No? Okay. If not, all
10 those in favor, say Aye, and raise your hand.

11 (Chorus of Ayes)

12 CHAIR COLLINS: Anybody opposed? No. Okay.
13 So that's passed unanimously. The next part of this,
14 or point of this is - are there any proposed changes
15 to what is being presented as the duties and
16 responsibilities? Member Kuoha?

17 COMMISSIONER KUOHA: Yeah. I mean, I think for
18 now, let's - we're just going to move - I think we
19 should just move forward with what we have. But I, I
20 - I'll come back next time with a little bit more
21 thinking about the communications, because I, I really
22 do think - and it, it may be just something that, that
23 hits, you know, a lot of work at only a couple points.
24 But I, I do think it's pretty critical for us to, to
25 reach out to a community. And how we do it is going

1 to impact the, the quantity and quality of feedback we
2 get from community.

3 CHAIR COLLINS: Okay. Does anybody else have
4 any comments or questions, proposed changes, or
5 revisions to the Duties and Responsibilities of the
6 Commission Analyst? Okay. Well, before we take a
7 vote, I actually have one question. I don't know if
8 this is Ms. Vincens answer, or question, or
9 responsibility, or if it's Corp, Deputy Corporation
10 Counsel. I did see in the Maui News that, that we did
11 advertise this position. And I was just wondering if
12 anybody has responded to that, and what the status was
13 of the advertisement that was in the paper, I think it
14 was like, two or three weeks ago. I don't remember
15 now. Everything sort of blurs together.

16 RICHELLE THOMSON: All right. So I'll, I'll go
17 ahead and answer it. So we, we did run the ad once,
18 and then also, followed up with Finance regarding
19 posting a, a regular solicitation. The reason that we
20 decided to discontinue was not only the cost, but
21 there was probably some miscommunication, or could
22 have been better communication in terms of bringing
23 this before the board prior to publication. So one of
24 the things is that we didn't want to jump the gun, if
25 this body as a whole wanted to do things a different

1 way. But that's, that's really why there was only
2 one. In terms of interest, I know that Lisa has
3 spoken to Sherry Broder (phonetic), who has expressed
4 interest.

5 COMMISSIONER DELEON: Sherry Broder. Yeah.

6 RICHELLE THOMSON: So I would - I would assume
7 that that may be one of the, the resumes that you get
8 in. I hope so, also. I think she's terrific.

9 CHAIR COLLINS: Okay.

10 RICHELLE THOMSON: I haven't heard of anybody
11 else.

12 CHAIR COLLINS: Okay. Okay, great. Well,
13 then, for just the Commission Analyst position, which
14 we've already agreed will go through the small
15 procurement process first, and hopefully only has to
16 do that - I think that at this point, we would need a
17 motion to accept the duties and responsibilities, and
18 to ask Corporation Counsel to advertise the position.

19 COMMISSIONER OLSON: So moved.

20 FEMALE SPEAKER: Second.

21 CHAIR COLLINS: Okay.

22 COMMISSIONER DELEON: Second.

23 CHAIR COLLINS: That was moved by Member Canto,
24 and seconded by Member DeLeon. Any further
25 discussion?

1 COMMISSIONER CANTO: Well, Chair, I did not
2 make the motion. I believe it was --

3 CHAIR COLLINS: Oh --

4 COMMISSIONER CANTO: -- (unintelligible)
5 Ashley? Someone else made the motion.

6 CHAIR COLLINS: OH. Sorry, Member Olson.
7 I'll, let - if we can have that corrected. Sorry.
8 Member Canto, your green thing was, was lit up, when,
9 when it was made, so I, I didn't look carefully.
10 Sorry.

11 COMMISSIONER CANTO: It's okay.

12 CHAIR COLLINS: Okay. Is there any further
13 discussion on the motion? Okay. If none, all those
14 in favor, please raise your hand and say Aye.

15 (Chorus of Ayes)

16 CHAIR COLLINS: Okay. Anybody opposed? No?
17 Okay. The motion passes unanimously. Okay. Now we
18 have the Commission Secretary position. So I think
19 the question is, is we - for sure, we definitely need
20 somebody who does everything that's on this list. And
21 we're, we're - there also seems to be some consensus
22 that there is also a need for somebody to know about
23 social media, or to have a separate person who has
24 some kind of marketing experience that can promote,
25 and, and solicit input from the - interest from the,

1 the public, into our processes.

2 So, if somebody would like to - what we
3 definitely need to do is, all of the duties and
4 responsibilities, or those and others that haven't
5 been listed yet, for Commission Secretary, that
6 definitely needs to be resolved. And, and then if
7 there's additional duties or responsibilities, or if
8 we need to have another position looked at, as well,
9 as should also do that. So I don't know if somebody
10 wants to make a motion. Member DeLeon?

11 COMMISSIONER DELEON: I'd like to, to note that
12 they're different, very different skill sets. And,
13 and you're going to find yourself spending a lot for
14 your secretary if you're doing that. I think - I, I,
15 I still think you can get, get what you need by a fee
16 for service kind of approach for, for the PR. But
17 the, the, the secretary, you need every day. I mean -
18 -

19 CHAIR COLLINS: Um-hmm.

20 COMMISSIONER DELEON: -- you're going to be
21 generating your minutes. You're going to be
22 generating your notices. She's going to have to ride
23 herd over us, and make sure we're all there. And so -
24 yeah, or - I noticed that I (unintelligible) as a
25 female. Sorry. The person's going to have to do, to

1 do a lot of work. And, and it's two different skill
2 sets. So - I, I wouldn't try to put the two in the
3 same box. But I'm making my motion to approve the,
4 the acceptance of what we're doing right now.

5 CHAIR COLLINS: Okay.

6 COMMISSIONER CANTO: I'll second his motion.

7 CHAIR COLLINS: Okay. So moved to approve the
8 duties and responsibilities description for Commission
9 Secretary by Member DeLeon, and seconded by Member
10 Canto. Is there any further discussion? Okay. If
11 there's no further discussion on this item, all those
12 in favor, please say Aye and raise your hand.

13 (Chorus of Ayes)

14 CHAIR COLLINS: Okay. Anybody opposed? Okay.
15 Then the motion passes unanimously. Okay. So I think
16 the only issue now is - oh, I'm sorry. So then, the
17 second, the second part of that is having Corporation
18 Counsel basically advertise this, this position, as
19 well. That, that would be, that would be --

20 COMMISSIONER DELEON: And - to approve.

21 CHAIR COLLINS: Yeah. Member DeLeon moves to
22 direct Corporation Counsel to advertise the Commission
23 Secretary position. Is there a second?

24 COMMISSIONER OLSON: Olson - second.

25 COMMISSIONER CANTO: Second.

1 CHAIR COLLINS: Okay. Member Olson seconds.
2 Further discussion? All those in favor so Aye, and
3 raise your hand.

4 (Chorus of Ayes)

5 CHAIR COLLINS: Okay. Those opposed? Being
6 none, the motion passes unanimously. Okay. With
7 respect to this outreach person, I guess, which would
8 be an Assistant Secretary to the Commission - does
9 anybody have a proposal on how they would like to do
10 that?

11 COMMISSIONER CHUN: Chair?

12 CHAIR COLLINS: Member Chun?

13 COMMISSIONER CHUN: I think Mr. Kuoha indicated
14 that - a willingness to perhaps come up with some
15 framework for that, which we could take up on the next
16 agenda.

17 CHAIR COLLINS: Okay. Member Deslauriers?

18 COMMISSIONER DESLAURIERS: I think that by
19 having someone, as Dave DeLeon suggested, to be part
20 time during this initial period, and then at a later
21 time, I think having someone who's well established
22 also as a PR person, who has the necessary network is
23 essential. So I think that the search, if we were to
24 start, to find someone who has that type of background
25 and momentum with social media is important.

1 CHAIR COLLINS: Okay. Member Olson?

2 COMMISSIONER OLSON: Would that be part time,
3 or, or contract? So - because it, it seems that there
4 is a difference. These are all contract positions,
5 right, with not necessarily a set number of hours, or,
6 or it's task specific?

7 CHAIR COLLINS: I, I believe under the, under
8 the rules of the Charter with respect to the budget, I
9 think that we can't hire any employees, because
10 there's nothing - nothing's been allocated for that,
11 at least through this fiscal year. So - but maybe if
12 Corporation Counsel has a different view.

13 RICHELLE THOMSON: So depending on the timing,
14 we may be able to absorb some of the costs into our
15 budget.

16 CHAIR COLLINS: Okay. And just in terms of
17 timing - if we approve duties and responsibilities at
18 the next meeting, how long will it take to procure
19 somebody to do social media?

20 RICHELLE THOMSON: I think that depends on how
21 the solicitation is done, you know. But - in terms of
22 how we do the outreach. So Maui News takes, you know,
23 a number of days to get an ad in the paper, that kind
24 of thing. We can - you know, so it's reaching out to,
25 you know, no less than three, to get quotes. So

1 perhaps, you know, when you come back with more of a,
2 of a description of, of what you're looking for, that
3 may be something for a TIG, you know, although that's
4 - that's going to take too much time.

5 Probably best just to go the straight
6 solicitation route, and to just come up with, you
7 know, a description of what you think the, the
8 obligations are going to be, and kind of the time
9 frame. And then we could go from there, and get it
10 out quickly.

11 CHAIR COLLINS: Okay. Does anybody have an
12 objection with Member Kuoha taking the lead on, on
13 coming up with that language, and I guess submitting
14 it to the, the Board Secretary before the - by, by the
15 agenda deadline, so that it gets into the Board
16 packet? Member Kuoha?

17 COMMISSIONER KUOHA: If I understand Ms.
18 Thomson correctly, this isn't the - in terms of
19 timeframe, an investigative group is, is not
20 appropriate, just because that'll, that'll take
21 several meetings for us to, to approve it. Correct?

22 CHAIR COLLINS: Well, yeah. And also because I
23 think we're not allowed to establish the temporary
24 investigative group at this meeting. I would have to
25 be put on --

1 COMMISSIONER KUOHA: Well --

2 CHAIR COLLINS: -- an agenda --

3 COMMISSIONER KUOHA: Yeah.

4 CHAIR COLLINS: -- for the next meeting, and
5 then findings would be on another meeting. And then
6 the - then there would have to be a meeting to
7 actually vote on what the recommendations are. So we
8 would be four meetings out if we established a TIG.

9 COMMISSIONER KUOHA: Yeah. So is, is this
10 something that at least two of us can work on, under
11 the rules, under Sunshine Law? Or it is just - I
12 mean, I'm, I'm happy to create a draft, and then we
13 can tear it apart in, in one of our meetings here.
14 But it's, it's helpful if someone wants to, to add to
15 the process.

16 RICHELLE THOMSON: Two of you can work on that.

17 CHAIR COLLINS: But not more than --

18 COMMISSIONER KUOHA: If there's a second person
19 - yeah, if there's a second person in the group that
20 wants to, to work with me, then we can work together.

21 COMMISSIONER DELEON: Keoni, I'll work with
22 you.

23 CHAIR COLLINS: Okay. Is that okay with
24 everybody? Does anybody have an objection, or a
25 comment? No? Okay. Great. So then, for the next

1 meeting, we'll have an Assistant Secretary for
2 Communication, or for Outreach proposal to look at.

3 Okay. The next item is the communication from
4 the Maui County Counsel. I don't know that this
5 requires any discussion today. I think it's just so
6 that the public is aware that we have received this -
7 unless somebody - anybody has a question or comment
8 that they wanted to make about receiving the
9 communication. Member Batangan?

10 COMMISSIONER BATANGAN: Move to file.

11 CHAIR COLLINS: Yeah. Yeah, this is just -
12 just so that - I think it's to keep also of the fact
13 that we've received this, I think is helpful for
14 members of the public, because since everything's
15 digital, things can easily disappear. Oh - okay. If
16 there's no other comments or questions about that,
17 then the next item is B.10, which is the (sound cuts
18 out) of the next several meetings. But the question -
19 so - but that only solved part of it. Part of it is
20 that we have a request to have a review of the County
21 and State functions, or the relationship between the
22 State and the County, with respect to County
23 functions. That was requested.

24 I had suggested that we also do a Kahulieow
25 (phonetic) in service. My, in my view, because there

1 are certain members of boards and commissions
2 presently that are required to have that in service,
3 that it's probably appropriate that we also have that
4 in service, so that we have all of the information
5 that apparently several board and commission are by
6 law required to, to also have.

7 Are there other types of educational, or
8 training, or presentations that any member feels would
9 be helpful or useful for us to have? No? Okay.
10 Okay. So I think, based on our previous discussion, I
11 will work with Ms. Vincens about figuring out the -
12 which, which areas we'll go to in, in - and I mean,
13 not the areas we'll go to, but in which order it will
14 be, although I think that whatever we've already
15 listed as the - when we were going through it is, is
16 fine. But I'll work with her, with that.

17 I will also coordinate with Mr. Whittaker about
18 how quickly a presentation on the relationship of
19 State powers to County powers will take. And I, I
20 think ideally, we would maybe place these educational
21 things at the end of these public input meetings, so
22 that if we only have three people show up to one, then
23 we can basically use that time to have these, have
24 these educational training things.

25 Does - does anybody have any strong feelings

1 about that? Any objections? No? Okay. Well, let me
2 see. Where's the - where did I put the agenda.

3 Member, Member Kuoha.

4 COMMISSIONER KUOHA: Sorry if I'm a little slow
5 on this. We were speaking of agenda items, and you
6 mentioned trainings. It - I, I think - and I, I, I
7 know that, or I'm assuming that discussing that roles
8 and responsibilities for the undersecretary is going
9 to be one of the agenda items. I, I'm imagining that
10 a discussion, a larger, a broader discussion of our
11 outreach process would be good to, to meld with that,
12 you know - any position is going to be part of a
13 process. And I don't know if that - and it seems like
14 it should be on a, on an agenda, as well, to, to
15 discuss what we're imagining, how does this Committee
16 communicate with a, a, a undersecretary, what kind of
17 products do we want to produce on a committee, so that
18 they can take it, and, and turn it into outreach
19 products. So those are all, I think things that -
20 and, and - yeah, those are things that probably should
21 be considered on an agenda.

22 CHAIR COLLINS: Okay. And of course, we also
23 have our rules. Member Batangan.

24 COMMISSIONER BATANGAN: Oh, I was just going to
25 bring that up. Since we are - we have not yet adopted

1 the rules - I just wanted to clarify that we're
2 recessing this meeting so that we can finish business
3 next time, and then we're going to start another
4 meeting?

5 CHAIR COLLINS: Well, actually, that's the only
6 business that we have left remaining. So it's also
7 possible to just have it be part of the next meeting,
8 without having to recess.

9 COMMISSIONER BATANGAN: Okay.

10 CHAIR COLLINS: Partly because it will be
11 several weeks before our next meeting. And also
12 because I think at least one member indicated that
13 they wanted the public to have an opportunity to weigh
14 in on, on the proposal. So - yeah, unless there's a
15 strong reason to, to recess, although I, I would
16 strongly advise against it, only because the amount of
17 time between this meeting and when our next meeting is
18 scheduled, that it would be better to have a new
19 meeting - since that's the only item of business
20 that's - that remains. And also, technically, because
21 Member DeLeon would have to amend his motion, because
22 he moved to table it to the next meeting. But
23 anyways, it's a technical point.

24 COMMISSIONER DELEON: Yeah.

25 CHAIR COLLINS: Okay. Are there any other

1 items that folks would wish to, to add to the - to -
2 the, the next meeting agenda? Member Kuoha?

3 COMMISSIONER KUOHA: I - you know, I don't know
4 if this is a meeting agenda item. But I, I, I
5 believe, Chair Collins, you had, had an idea that you
6 early on shared with the, the Committee about
7 introductions. I don't know if that's something that
8 happens in one of these meetings. But you know, I, I
9 don't know that we've - we haven't introduced
10 ourselves to the public. I don't know if that's
11 something commissions do, or if they - they'll just
12 Google us and, and get to know us through that, that
13 way. But if that's something that the other
14 Commissioners would be like, I, I think our next
15 Commission meeting might be a good place for it.

16 CHAIR COLLINS: Yeah. Absolutely, We, we
17 could - we can definitely have a short - everybody can
18 give a short introduction. Yeah, that would be
19 probably very useful. So we'll, we'll include that.
20 Are there any other items, or new business? No?
21 Yeah, I just wanted to thank everybody for carrying
22 through this task. When we thought we were going to
23 meet - I, I know we had to get through a lot of
24 information and decisions, and we were able to do
25 that.

1 I, I do just want to note that the Charter
2 Commission website does have most of the minutes of
3 all of the previous Charter Commissions available on
4 it. Ten years ago, the administration took all of the
5 scanned minute that - a project I was involved with,
6 for the Maui Charter Archive.org website - they pulled
7 all of those off, and put it onto the County website.
8 So they're all available in numerical, or
9 chronological order on the Commission website.

10 There's a little more organization on the Maui Charter
11 Archive website, by year, but it's also - it's -
12 there's just a lot of information. And so I know 10
13 years ago, there were some Commissioners that were
14 very interested in reading through all of the minutes
15 of those previous Commission meetings. I, I don't
16 know that it's necessary in order to do our work. But
17 If you have a bunch of free time, and you feel
18 strongly motivated to know about the history of what
19 people said in Charter Commissions.

20 The ones in the 60s, some of them are very,
21 very funny. You would not expect people to say some,
22 some of the things that were said at that time. So I
23 definitely - if you want to pick something for
24 entertainment, I would pick the first ones first, to
25 read.

1 But - yeah. Okay. So with that said, are - is
2 there any - are there any announcements, or any other
3 non-decision-making items that anybody wants to bring
4 to the Commission's attention before we adjourn?
5 Member Mardfin?

6 COMMISSIONER MARDFIN: I would first like to
7 apologize for being half an hour late getting here. I
8 think I'll have my computer problems worked out before
9 next time. And it's a pleasure to work with all of
10 you.

11 CHAIR COLLINS: Likewise. Member Olson?

12 COMMISSIONER OLSON: I just wanted to confirm,
13 for my own understanding, is - is it Deslauriers? Is
14 it the more American pronunciation - Deslauriers -
15 Deslaurier?

16 COMMISSIONER DESLAURIERS: Yeah. We'll, we'll
17 stick - yeah. We'll, we'll stick with the American
18 pronunciation. We'll keep the S's silent, Deslauriers
19 - make it a little easier. So yes, I know, that's a,
20 a, a - a tongue-tier. So --

21 COMMISSIONER OLSON: It's, it's the French
22 teacher in me. Thank you.

23 CHAIR COLLINS: Okay. Member Kuoha.

24 COMMISSIONER KUOHA: I am so sorry. I know
25 we're about to step out the door. I realized that

1 there was one more item I, I wanted Corporation
2 Counsel feedback on. And I'm, I'm wondering if, you
3 know, because Member DeLeon and I are going to be
4 working on this - is it, is it okay, under the Sun,
5 Sunshine Law for any of you folks, if you have some -
6 like a list of rules and, and duties that you think
7 should be considered for the position of
8 undersecretary - it it's okay for those to just come
9 straight to me? Is - or, or not? Okay. I'm getting
10 a, a, No from the Chair.

11 CHAIR COLLINS: I don't think it is, but we'll
12 let Ms. Thomson give us the official.

13 RICHELLE THOMSON: So the, the best way of
14 doing it is, if any of the Commissioners have thoughts
15 on that topic, to send those to Cory, or to the
16 Commission's email, and then it can be passed around
17 to you - so it's not direct communication.

18 COMMISSIONER KUOHA: That, that'll be perfect.
19 Just want to make sure that there's, there's open
20 opportunity for everybody, and, and for us to - for
21 Member DeLeon and I to utilize the, the full resources
22 of this Board. So please send that to Cory. And at
23 some point, she'll send it over to us, and we'll work
24 on that, and have a draft for you guys.

25 RICHELLE THOMSON: But I'm - I'm, I'm sorry.

1 But I, I need to chime in, too. Just quickly - and
2 Keola offered, and I wanted to reiterate that if any
3 of you have legal questions, you know, we've taken
4 notes throughout the meeting. And if any of you have
5 questions that either of can help you with, please
6 email them to us, or call us - whichever way you
7 prefer, to discuss anything. And we will get back to
8 you on those, those questions.

9 KEOLA WHITTAKER: And on that point, Richelle's
10 direct line is on the internet, but mine isn't, so
11 I'll make sure all of you have that. And feel, feel
12 free to call me directly, any time.

13 COMMISSIONER DELEON: (unintelligible)

14 CHAIR COLLINS: Oaky. Thank you. Are - is
15 there, is there any more comments, or discussion
16 before the meeting is adjourned? Okay. Seeing none,
17 then the March 18th meeting of the Charter Commission
18 will be adjourned at 3:40 p.m. Thank you very much
19 for your time.

20 COMMISSIONER OLSON: Thank you.

21 COMMISSIONER CHUN: (unintelligible), everyone.

22 COMMISSIONER DELEON: Good job, Lance.

23 MALE SPEAKER: (unintelligible)

24

25 (END OF MEETING)

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TRANSCRIBER'S CERTIFICATE

I, MARY HARLOW, attest that the foregoing proceedings provided to me via video were transcribed by me to the best of my ability.

I further attest that I am not a relative or employee to any attorney or party nor financially interested in this action.

I declare under penalty of perjury under the laws of the state of Hawaii that the foregoing is true and correct.

Dated this 7th day of April, 2021.

A handwritten signature in cursive script that reads "Mary Harlow". The signature is written in black ink and is positioned above a horizontal dashed line.

MARY HARLOW

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