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VIDEO TRANSCRIPTION OF
MAUI CHARTER COMMISSION MEETING

APRIL 1, 2021

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

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DAVID DELEON
COMMISSIONER

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LANCE COLLINS
COMMISSION CHAIR

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PAUL DESLAURIERS
COMMISSIONER

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9

KAREY KAPOI
COMMISSIONER

10

11

KEONI KUOHA
COMMISSIONER

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13

DOUGLAS W. MARDFIN
COMMISSIONER

14

15

ASHLEY OLSON
COMMISSIONER

16

17

GEORGE PURDY IV
COMMISSIONER

18

19

RICHELLE M. THOMSON
FIRST DEPUTY CORPORATION COUNSEL

20

21

KELSON KAUANOE BATANGAN
COMMISSIONER

22

23

GRANT CHUN
COMMISSIONER

24

25

1 DOREEN CANTO
2 COMMISSIONER

3 DICK MAYER
4 PUBLIC SPEAKER

5 KEOLA R. WHITTAKER
6 DEPUTY CORPORATION COUNSEL

7 UNIDENTIFIED MALE SPEAKERS

8 UNIDENTIFIED FEMALE SPEAKERS
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1 VIDEO TRANSCRIPTION OF
2 MAUI CHARTER COMMISSION MEETING
3 APRIL 1, 2021

4 COMMISSIONER DELEON: And a master's degree in
5 political science. Came to Maui in '69 - '79 with my
6 wife, and we have two boys, two grown boys, and three
7 grand - three grandkids. My wife is the, the daughter
8 of a Zen priest from the Snow Country of Japan. So I,
9 I've got that - that, you know, Hawaiian - Asian, the
10 cultural experience, well, every day.

11 I worked for - I worked in journalism for about
12 12 years, as an editor or reporter, often dealing with
13 government. And then I was Executive Assistant to
14 Mayor Lingle for eight years, and Exec - and was Chief
15 of Staff to Mayor Arakawa, in his first term, and then
16 I was Governor Affairs for the Realtors Association of
17 Maui. I - I was also on the former - the last Charter
18 Commission, which I found to be a very - a, a good
19 experience, as I've really wanted to get the
20 (unintelligible) and see if I can get back into it.
21 And luckily, I was appointed by the, by the Mayor.
22 Mahalo and I'm looking forward to working with you
23 all.

24 CHAIR COLLINS: Thank you. The next
25 Commissioner is Commissioner Paul Deslauriers.

1 COMMISSIONER DESLAURIERS: Thank you. I guess,
2 first of all, I was born and raised in Rhode Island,
3 and I became an oceanographer. I got my master's
4 degree in ocean engineering, and I started working as
5 a consultant. I ended up starting a consulting
6 company in Anchorage, Alaska. We ended up involving
7 ourselves with over - the lease sales for the entire
8 coastline of Alaska, with our group. I later started
9 a nonprofit organization, after I did consulting work
10 for 22 years - primarily working with advertising
11 agencies and TV broadcasting stations. And after
12 that, I started, then, a nonprofit in Massachusetts,
13 where we work with the homeless and unemployed. I
14 also did a stint here in, in Hawaii, where I started
15 the Hui O Maui. And so my background is diverse.

16 Presently, I've been involved with the Maui
17 Pono network. We have been involved with educating
18 the community, and communicating about especially
19 political issues, and issues around the Aina.

20 CHAIR COLLINS: Okay. Thank you. The next
21 member is Commissioner Karey Kapoi.

22 COMMISSIONER KAPOI: Thank you. It's great to
23 see everybody. Good evening. Like Grant and Kauanoë,
24 I also grew up in Kahului. And also, ironically, like
25 Dave DeLeon, I did my undergraduate work in

1 Pennsylvania. So I guess lots of commonalities where
2 I never suspected. But I'm really thrilled to be able
3 to participate, and learn from all of you.

4 And in terms of background, I've spent most of
5 my career in communications and community engagement
6 at the hospital, HMSA, Hawaii Community Foundation. I
7 currently have my own consulting company, where I
8 primarily focus on strategy development, and community
9 outreach and engagement. So really excited to be a
10 part of this, and looking forward to working with all
11 of you.

12 CHAIR COLLINS: Great. Thank you. The next
13 member would be Commissioner Keoni Kuoha.

14 COMMISSIONER KUOHA: Aloha cacao (phonetic).
15 My name is Keoni Kuoha. I am originally from
16 Waimanalo, Oahu, a homestead over there. My, my mom's
17 from Washington state, and my dad's from Oahu. And
18 on, on my Hawaiian side, my grandmother was born in
19 Kaonai (phonetic), and raised primarily in - around
20 Hualapuei (phonetic), Molokai, and moved to Maui in
21 2007. My, my other half is from Maui, Akumahula
22 (phonetic) here. And have worked in a, a range of
23 areas, but they all kind of cross - education, natural
24 resource management, and Hawaiian culture, and
25 currently got a USC connection there, trying to finish

1 my doctorate in education, education leadership there.
2 Yeah.

3 And, you know, my, my interest is - I just have
4 a general interest in, in governance, and government.
5 My undergraduate degree is, is in government,
6 international relations. And I'm, I'm honored to be
7 on this Commission with you all. Aloha.

8 CHAIR COLLINS: Aloha. Okay. The next member
9 would be Commissioner Ward Mardfin.

10 COMMISSIONER MARDFIN: I needed to unmute
11 myself. I'm originally from the Mainland. I grew -
12 was born in New Jersey but raised in Connecticut; came
13 to Hana - actually Kipahulu in 1961, when I was 17
14 years old. I came with a friend whose father was good
15 friends with Sam - that's a - blank on it - doesn't
16 matter. But anyway, I spent the summer of '61 here.
17 I fell in love, tried to get my parents to let me
18 finish up high school here. They vetoed that idea,
19 and made me go back to Connecticut. I took my final
20 exams in the spring of '62. Next day I was on the
21 plane, and I was back in Hana when my class graduated
22 from high school.

23 I wound up staying in a deserted schoolhouse -
24 Tuem (phonetic) Schoolhouse in Kipahulu. Had a great
25 second summer. I hiked around the island, to register

1 with the Draft Board, and halfway through the summer,
2 a local guy, Francis Lono (phonetic), Jr. - they call
3 him Blue - took - felt sorry for me, me being out in
4 Kipahulu pretty much by myself. And he invited me to
5 live with him in Hana Town, which I did. The end of
6 that summer, I tried college on the mainland, in Ohio
7 - Cleveland, and was singularly unsuccessful. I
8 flunked out after three semesters. Came back to Hana,
9 pumped gas at the gas station, picked papayas and
10 bananas.

11 And then in the fall, the principal of the high
12 school saw me and asked me to teach fifth grade. The
13 fifth grade - the newly hired fifth grade teacher quit
14 the first week of school. So with only three
15 semesters of college, and flunking out, I wound up
16 teaching fifth grade for a semester. And, and so, and
17 a little in high school. He convinced me to go to
18 high - go back to college. But like Dave - I don't
19 know whether he enlisted or he was drafted, but I was
20 - had a draft notice. I enlisted for military
21 intelligence, and spent a year at language School in
22 Monterrey learning Vietnamese, and then a year in
23 Saigon, '67, '68.

24 I got out, came back, and this time, I went to
25 UH Manoa, and I loved it. I graduated in three years

1 with a BA, then an MA, then a Ph.D. And I taught for
2 a while at what is now West - UH West Oahu, the first
3 three and a half years it existed. Then I moved on to
4 what was then called Hawaii Loa College. In '92, HPU
5 took that over, but I loved my time at Hawaii Loa.

6 I've taught college in Fiji. I've taught
7 college in the Marshall Islands, and all over the
8 Pacific. And after HPU took us over, I was not a
9 happy camper - went back to UH, and picked up a, a
10 teaching certificate. And 2001, I came back here to
11 Hana. I, all through the years, I'd always come back
12 every - two or three times a year, with my wife - who
13 is a local girl from Hilo, originally, but we met in
14 Cleveland.

15 And so all my life has been in education. I
16 taught a couple years here in high school, social
17 science studies, and math. And then I taught GED - I
18 was a GED teacher for Hana. And in the last five
19 years, I've been teaching in UH summer school at
20 Manoa, and I'll be doing that again this year, I
21 think.

22 So I'm just an educator - except that I did
23 have a chance in - I, I taught - I didn't teach - I
24 was in the - on the Maui Planning Commission for four
25 and a half years. And now I'm still on the Hana

1 Advisory Committee to the Maui Planning Commission.

2 That's about it. Did I say I was in economics?

3 COMMISSIONER DELEON: Hey, Ward, you - Ward,
4 you and I are gonna have to trade, trade notes,
5 because I went to Monterrey as well, in North
6 Vietnamese, and - and --

7 COMMISSIONER MARDFIN: I got the --

8 COMMISSIONER DELEON: -- I was in the country
9 the same years you were there. In fact, I left the --

10 COMMISSIONER MARDFIN: Well --

11 COMMISSIONER DELEON: -- day of the TET
12 Offensive.

13 COMMISSIONER MARDFIN: Sorry - you left the day
14 of it?

15 COMMISSIONER DELEON: Yeah.

16 COMMISSIONER MARDFIN: Yeah, I had the Southern
17 dialect.

18 COMMISSIONER DELEON: Time to get out of Dodge.

19 COMMISSIONER MARDFIN: I had --

20 COMMISSIONER DELEON: But we'll trade --

21 COMMISSIONER MARDFIN: -- the southern dialect
22 --

23 COMMISSIONER DELEON: -- stories later.

24 COMMISSIONER MARDFIN: -- 47 weeks.

25 COMMISSIONER DELEON: Yeah, no, mine was

1 northern. Okay. All right. I'm done.

2 CHAIR COLLINS: Okay. Thank you. The next
3 member would be Commissioner Ashley Olson.

4 COMMISSIONER OLSON: In listening to everybody,
5 I am feeling like a really small cog in a really big
6 wheel. So my name is Ashley Olson. I grew up in the
7 Seattle area, Renton, Kenndale, if you're familiar,
8 Keoni. I did my undergraduate at Washington State
9 University, foreign languages and literatures, with a
10 major in French and education, and a minor in Spanish.
11 I finished my student teaching in Takoma, Washington,
12 thought, 'Oh, God, I don't want to do that.' And I
13 moved to Maui. And I was part of the opening crew at
14 the Grand Hyatt Wailea, back when it was still a
15 Hyatt. And then decided, 'You know, I've, I've got
16 this teaching degree. Might as well give it a try.'
17 And Bruno Aureo (phonetic), she hired me at
18 Lahainaluna High School to teach French and Spanish.
19 And I've been there pretty much ever since.

20 I did a Masters in French at UC Santa Barbara.
21 I started a Masters in Spanish through Portland State
22 University, studying in Barcelona. I taught English
23 at the University of Constantine, the professor in
24 Nitra, Slovakia. And, yeah, that pretty much
25 encapsulates, you know, everything relevant - or not.

1 I, I'm tired of complaining about politics, and
2 contributing nothing more than voting. I don't know
3 that - I'd like to think that I have this magic wand
4 and can fix everything. I know that's not the case.
5 And I'm sure that you'll all help straighten me out.
6 I'm really looking forward to the opportunity to
7 making the politics, and bureaucracy, and rules and
8 regulations, and everything about Maui just a little
9 bit more accessible to our general population, who
10 complains about politics, and often doesn't even vote.

11 But moving forward on that, it's an honor to be
12 here, and I hope that - if I really, really irritate
13 you, I hope you'll be gentle when you tell me about
14 it.

15 CHAIR COLLINS: Okay. Thank you. The next
16 member is Commissioner George Purdy, IV.

17 COMMISSIONER PURDY: Hello, everybody. I'm
18 also Maui born and raised, grew up in Ulupalakua, Maui
19 High School graduate. Joined the military, five years
20 in the Navy, six years in the Air Force. Got a Fire
21 Science degree; 24 years with Airport State Fire. I'm
22 an entrepreneur. I have a drone company. I'm also a
23 professional drone pilot. I was one of the first
24 pilots in the Pacific that were - was granted official
25 flight status in 2015.

1 Other than that, I'm just here as part of this
2 Commission to help my community on Lanai to have some
3 sort of representation. And I just enjoy living in
4 Maui County and seeing how it has grown. Certain
5 things that, you know, if I don't come to the table
6 and help steer it forward, or adjust certain things
7 that I can help, bringing my experience, and it's just
8 to make my family's lives better, especially setting
9 it up for my kids. I've got three - two sons and a
10 girl. My son tried college, didn't want to go back,
11 so he's joining Space Force. My daughter is
12 graduating this year, and is going into Asian studies,
13 and she's going to go to University of Hilo. And then
14 I have my four-year-old son, who's my retirement
15 partner. Other than that, that's my life story, and
16 glad to be here, working with all you folks.

17 CHAIR COLLINS: Okay. Thank you. I think
18 we're missing somebody.

19 COMMISSIONER DELEON: Not you.

20 CHAIR COLLINS: Oh, me - yeah. That's right.
21 Okay. Sorry. Yeah, okay. Sorry. Aloha. I'm Lance
22 Collins. I, like several Commissioners, grew up in
23 Kahului, although I briefly did live in Wailuku, and
24 sort of in Kihei. I would say - I, I'd say for a
25 summer, I think that would be a fair way of describing

1 it. But mostly, my, my childhood growing up on Maui,
2 was in Kahului. I went to St. Anthony's School,
3 although I did spend a summer taking a class at Maui
4 High.

5 I went to Maui Community College and got an
6 associate's degree, and then moved to Manoa and got a
7 bachelor's degree in, in political science; a master's
8 degree in indigenous politics. And then I got a law
9 degree, and moved back fulltime to Maui to practice
10 law. And while I was doing that, I got a Ph.D.
11 through the Political Science Department, in
12 Philippine studies.

13 I basically practice law. I'm a solo
14 practitioner, and I have been since I started
15 practicing in 2005. I practice primarily on Maui,
16 although I do have, every so often, a case on a
17 different island. But mostly my practice is all on
18 Maui.

19 I, in my research interests, I focus on the
20 comparative legal history of the Philippines and
21 Hawaii, during their American colonial periods - so
22 obviously, with Hawaii that continues 'til present.
23 And actually, my Hawaii history research goes, is a
24 little bit broader than just legal history.

25 And in 2009, I was the principal investigator

1 of - I know this, this seems like nothing now, but at
2 the time, it was a huge deal - digitizing all of the
3 records of all of the previous Charter Commissions,
4 starting in 1964 - 1965. And, yeah, so - very
5 thankful to Roy Hiraga (phonetic) for being such a
6 sport and helping our little team to do that, and I am
7 glad that all of that information is accessible. I'm
8 sure at some point it would have become accessible
9 eventually anyways. But it is accessible, so I'm
10 very, very happy about that.

11 And - yeah, and my most recent published piece
12 is looking at the Philippines' first Constitution, and
13 challenging the way that Philippine historians
14 interpret it. They, they usually interpret it reading
15 the - it through the American Constitution, but it was
16 developed before the Americans came to the
17 Philippines, so I argue that they should look at the
18 Hispanic constitutions of Latin America. And for some
19 reason, nobody has ever done that. So anyways, that's
20 the kind of, of research that I get involved with is
21 these sort of - how government power, how to
22 understand the ideas of, of government.

23 So that's my interest. And I'm very happy to
24 be here working with all of you, and I'm very honored
25 to be part of this Commission, and I look forward to

1 doing the work that, that's - we're called to do.

2 So, okay - thank you. So with that, I was
3 going to note that I saw in the Maui news today that
4 they said the meeting started at 6:30. I'm not sure
5 why. But fortunately, it's almost 6:30, and I think
6 there's more than one person that's going to testify.
7 So between when we started and now, we've accumulated
8 hopefully members of the public that are interested in
9 testifying.

10 The - we have separated public testimony, based
11 on our last meeting, into two portions. The first
12 portion will be to hear from residents of the Na Wai
13 Eha, Kahului, and Pu'unene area. And then we'll hear
14 public testimony from members of the general public,
15 that are not residents of those areas. And - so also,
16 the Secretary, the temporary Secretary for the Board
17 had to attend to a personal matter. And so we're
18 going to - there might be a few bumps. But we'll do
19 our best. And I have full confidence in Ms. Thomson,
20 who has, I guess volunteered to take on that duty.

21 So, oral testimony will be taken both by
22 videoconference, through BlueJeans, and also by phone.
23 We ask that testifiers provide your full name, email,
24 and agenda item on which you'll be testifying. Public
25 testimony will generally be limited to three minutes.

1 And yes, if you can sign up by using the Chat
2 function, by sending a Direct Message to Richelle
3 Thomson, if she's still on the - yes - providing your
4 full name, email, and agenda item. And - yes, and we
5 will call the testifiers in the first group, the
6 Central Maui group, first. And then when all of those
7 testifiers are done, then we will call all additional
8 testifiers, and that we ask that all members of the
9 public, when they are not testifying, to mute their
10 audio and video when they're not testifying. Okay.

11 With all of that said, we will start the public
12 testimony. Are there any members, residents of the Na
13 Wai Eha, Kahului, and Pu'unene area that are signed up
14 to testify?

15 RICHELLE THOMPSON: Hi, Chair. This is
16 Richelle. So no one has signed up to testify.

17 CHAIR COLLINS: Oh. Okay. Is there anybody
18 from the general public that wishes to testify? Going
19 once, going twice. Okay. Well, consistent with
20 historical practice, we have nobody testifying today.
21 So at this point, I will close public testimony.

22 COMMISSIONER DELEON: Mr. Chair?

23 CHAIR COLLINS: Yes.

24 COMMISSIONER DELEON: We're, we're challenged
25 for a Secretary this time, so let's, let's get, let's

1 get a response from Richelle before we jump the gun.

2 CHAIR COLLINS: Oh, sure. Sure. I thought she
3 said nobody had signed up to testify at all. But
4 let's double --

5 COMMISSIONER DELEON: No, I --

6 CHAIR COLLINS: -- check that.

7 COMMISSIONER DELEON: -- didn't hear her

8 CHAIR COLLINS: Richelle? Sorry --

9 RICHELLE THOMPSON: Thank you.

10 CHAIR COLLINS: -- Ms. Thomson.

11 RICHELLE THOMPSON: No problem. Thank you,
12 Chair. So no one has signed up to testify, and I
13 haven't received any Direct Messages from anyone.

14 COMMISSIONER DELEON: Okay. Sorry. I just
15 wanted to double check that.

16 RICHELLE THOMPSON: Thank you.

17 CHAIR COLLINS: Yes. Member Batangan. Oh,
18 you're muted.

19 COMMISSIONER BATANGAN: Sorry. Actually,
20 Member Olson had her hand up first, and --

21 CHAIR COLLINS: Oh, I'm sorry.

22 COMMISSIONER BATANGAN: -- she can go first.

23 CHAIR COLLINS: Wait, let me - I'm sorry. When
24 I have the thing open, I can't see everybody. Okay.
25 Commissioner Olson.

1 COMMISSIONER OLSON: Thank you so much. I'm
2 just - I wanted to suggest that as the time of the
3 meeting was misprinted in the Maui News that - would
4 it be possible to ask again in half an hour, to see if
5 anybody did (unintelligible). Would that be
6 acceptable protocol?

7 CHAIR COLLINS: Absolutely - if there's no
8 objections. Does anybody have any objections to
9 basically reopening public testimony in 15 minutes,
10 half an hour?

11 COMMISSIONER KAPOI: Um-umm.

12 CHAIR COLLINS: Okay.

13 COMMISSIONER DELEON: No objection.

14 CHAIR COLLINS: So - great. So if nobody
15 objects, we will then move on to - so, Agenda Item D
16 was put in there because I had a concern that if we
17 didn't have Agenda Item D, we technically couldn't
18 accept testimony from people, under C1. I know it
19 sounds strange. But in anyways, to be on the safe
20 side, we put that in there. But it's not really an
21 action item. It's just to allow the public to
22 understand, if they didn't understand, that we - the
23 purpose of having the Central Maui group called out
24 was so that we could particularly consider amendments
25 proposed by that group. So - but it's not, it, it's

1 not an action item. It's just to alert the public.

2 COMMISSIONER CHUN: Mr. --

3 CHAIR COLLINS: Okay.

4 COMMISSIONER CHUN: -- Chair?

5 CHAIR COLLINS: Yes.

6 COMMISSIONER DELEON: I'm, I'm interested in
7 your choice of description of Wailuku - the Wailuku
8 District. I mean, not everybody would get right away,
9 maybe that that's Wailuku you're talking about, in Na
10 Wai Eha.

11 CHAIR COLLINS: Yeah. I think that was chosen,
12 just to be clear that we're talking about Wailuku, Wai
13 Eha, Waihee and Waikapu, and then also included
14 Kahului and Puna - it's - it - any way that you did
15 it, you, you either have overlap, or you technically
16 exclude something. And so, yeah, after going back and
17 forth several times, thought that that would - that
18 was the best way to do it, was to sort of be slightly
19 over-inclusive.

20 COMMISSIONER DELEON: Thank you.

21 CHAIR COLLINS: Yeah. Yeah, so actually, the
22 only one that might seem a little bit strange, and if
23 anybody has any feedback, we can discuss this because
24 it's procedural, administrative thing - not, not
25 during the meeting - is I think to encompass Paia,

1 Haiku, Makawao, etc., to be totally inclusive, I think
2 I - we referred to it as Hamakua, which is the correct
3 name for - the short name for the two Moku that
4 include all of those areas. But we're open to - open
5 to saying something else. Just don't want to have a
6 long stream of place names, and then people are like,
7 'Why didn't you include Mayahu-kwa (phonetic)?' So
8 it's - it's usually just easier to be more general and
9 broad, than to be too specific. So - yeah.

10 COMMISSIONER DELEON: Mr. Chair, perhaps --

11 CHAIR COLLINS: Yes.

12 COMMISSIONER DELEON: -- when we do PR for
13 these things, then be, be a little more clear to the
14 use of the normal names, also.

15 CHAIR COLLINS: Definitely, definitely. I
16 think this is just a - I think one of the things, and
17 we'll see if anybody chooses to testify later, that it
18 also possibly was just, we didn't get - I mean - a, a
19 small thing on page five or six of the Maui News - is
20 not, is - was, was not enough. Okay. Commissioner
21 Deslauriers.

22 COMMISSIONER DELEON: Paul's trying to reach
23 you. Paul's trying to reach you.

24 COMMISSIONER DESLAURIERS: I, I, I - yeah, I
25 just wanted to find out, really, how much advertising

1 and promotion had they done? Is it just that one ad
2 that they put in the Maui News, on the fifth page? Is
3 that it, in terms of --

4 CHAIR COLLINS: The --

5 COMMISSIONER DESLAURIERS: -- promotion?

6 CHAIR COLLINS: There - there was no ad. That
7 was actually a news item. It was a County brief. So
8 it was just anybody who, I guess, gets the County
9 notifications would have been notified of it. So
10 there was no advertising. But that's - yeah. So
11 that's something that we'll definitely be able to
12 discuss under Item F. We can discuss some of the
13 limitations, or non-limitations, or alternatives to
14 what happened, or what's happening.

15 So, okay - are there any other preliminary
16 things related to Items C or D, that any Commissioner
17 wanted to make mention of, or had a point? Okay.

18 COMMISSIONER OLSON: In the Chat --

19 CHAIR COLLINS: Commissioner Mardfin?

20 COMMISSIONER OLSON: In the - in, in the Chat,
21 Dick Meyer does want to testify.

22 CHAIR COLLINS: Okay. Yeah. So what we'll do
23 --

24 COMMISSIONER MARDFIN: (unintelligible)

25 CHAIR COLLINS: -- is we'll, we'll collect all

1 of that, and do it, like, in 15 or 20 minutes, instead
2 of, yeah, breaking --

3 COMMISSIONER OLSON: (unintelligible)

4 CHAIR COLLINS: -- breaking it up. So, go
5 ahead - Commissioner Mardfin.

6 COMMISSIONER MARDFIN: I just want to mention,
7 we're going to have the same issue about names for -
8 when we deal with East Maui. It's really four Moku.
9 There's Ko'olau, there's then Hana, there's Kipahulu,
10 there's Kaupo. And some people, but not the US Census
11 Bureau, includes - or includes Kahikinui. But if you
12 call it Hana District, most people kind of get it.

13 CHAIR COLLINS: Sure. So I think presently, we
14 have it listed as East Maui, and Kahikinui, just
15 because - for exactly that reason - that if you say
16 East Maui, generally, people don't include Kahikinui,
17 and I - so that's what we presently have it as, as the
18 alternative to listing all four of the districts,
19 because it just seems to be sort of very long to do it
20 that way. So - okay.

21 The next item is Item E. This is being - this
22 was deferred from the last meeting. There are two
23 proposals. The first is entitled Draft Rules of the
24 2021-2022 Maui County Charter Commission. That was
25 drafted by the Department of Corporation Counsel. The

1 - Number Two is Proposed Rules of the 2021-2022 Maui
2 County Charter Commission. And that was drafted by
3 me. So, in a formal sense, what should happen is
4 somebody should make a motion for us to do something,
5 and then we would have a discussion about taking that
6 action.

7 COMMISSIONER DELEON: Mr. Chair?

8 CHAIR COLLINS: Yes.

9 COMMISSIONER DELEON: Move to approve Number
10 One.

11 CHAIR COLLINS: Okay. There's a motion to
12 approve the Draft Rules of the 2021-2022 Maui County
13 Charter Commission, by Commissioner --

14 COMMISSIONER CANTO: I'll second.

15 CHAIR COLLINS: -- DeLeon, seconded by
16 Commissioner Canto. Okay - discussion. Commissioner
17 DeLeon?

18 COMMISSIONER DELEON: I, I've read both. I've
19 found the - I found Number One to be more
20 comprehensive. I have questions about both of them,
21 and I, I need to have them resolved along the way.
22 But in terms of being more comprehensive, I like, I
23 like Number One better.

24 CHAIR COLLINS: Okay. Would you like to ask
25 your questions?

1 COMMISSIONER DELEON: Well, yeah. There's,
2 there's an item - 2.6, it's about recess dates, and it
3 doesn't give any kind of - it's supposed to be Days
4 Two to - and, and ending time. And those both are
5 blanks at that point. They need to be filled in
6 before we can pass anything.

7 On 3.8, limits on members' speaking
8 opportunities - it says we're allowed to speak twice.
9 But it doesn't say how long. Roberts Rules say 10
10 minutes. I'm, I'm fine with 10 minutes, or some
11 other, longer period. I don't want to be - I don't
12 want to be reeled in by a, a short turn, though, on,
13 on that, so in case we have a, a debate going on, I
14 want to be able to speak. I found myself in the last
15 Commission being hobbled a couple times, because they
16 were only giving us three minutes to speak, as
17 Commissioners. And this is a debating agency, really.
18 We're going to have debates.

19 So I'd like to have at least 10 minutes in
20 that, in that time frame. Or if you're all
21 comfortable with just leaving that open, and then at
22 the, the Chair's discretion to, to stop somebody who,
23 who's trying to filibuster. But I don't see any of us
24 being filibusterers. So - 10 minutes is fine with me,
25 but I think that leaving that as a gap is, is a

1 problem.

2 CHAIR COLLINS: Okay. Further discussion?

3 COMMISSIONER DELEON: And one last question --

4 CHAIR COLLINS: Oh.

5 COMMISSIONER DELEON: -- that

6 CHAIR COLLINS: Sorry.

7 COMMISSIONER DELEON: One, one last question on
8 posting deadlines. So, so just for clarity's sake -
9 so if our meetings are on Thursday, the posting
10 deadline for us to get our material to the Clerk would
11 be - well, the Corporation Counsel, would be the
12 Thursday before, at noon. Is that correct?

13 CHAIR COLLINS: That's my understanding of
14 what, what this - what these draft rules suggest.

15 COMMISSIONER DELEON: Okay. I just wanted
16 clarity on that. Thank you.

17 CHAIR COLLINS: Um-hmm. Is there further
18 discussion? Commissioner Batangan, followed by
19 Commissioner Olson.

20 COMMISSIONER BATANGAN: I would like to propose
21 that we insert the 10 minute speaking limit now. I
22 don't think that's a, a decision we should be making
23 in a heated debate. I think the rules should be set
24 forth beforehand, while we still like each other. I,
25 I think that the rules that govern this body should be

1 firmly established before we're near any heated
2 situation so that we can have some guidance as to how
3 to resolve any issues that may come up.

4 CHAIR COLLINS: Okay. So, do you - would you
5 like to make a motion to amend Commissioner DeLeon's
6 motion by adding - whatever your phrasing is, to the
7 end of Rule 3.8?

8 COMMISSIONER BATANGAN: One sec - let me pull
9 3.8 so I can see what the wording looks like. Oh. I
10 move to amend Rule 3.8 to add a 10 minute speaking
11 limit per round of conversation.

12 CHAIR COLLINS: Okay. Is there a --

13 COMMISSIONER DELEON: Second.

14 CHAIR COLLINS: -- second? Okay. Seconded by
15 --

16 COMMISSIONER DELEON: Second.

17 COMMISSIONER CANTO: I'll second.

18 CHAIR COLLINS: -- Commissioner DeLeon.

19 COMMISSIONER CANTO: Okay.

20 CHAIR COLLINS: Okay. Commissioner Batangan,
21 do you have anything further you'd like to add in
22 support of your amendment? No? Okay.

23 COMMISSIONER BATANGAN: No. Nothing.

24 CHAIR COLLINS: I, I do have Commissioner Olson
25 to speak to the main motion. But is there anybody

1 that has any further discussion about the amendment,
2 which is to insert the 10 minute limit to Rule 3.8 of
3 the draft rules that we're considering? No? Okay.
4 We'll take a voice vote. All those in favor of the
5 amendment to the main motion, please signify by saying
6 Aye, and raising your hand.

7 (Chorus of Ayes)

8 CHAIR COLLINS: Okay. All those opposed?
9 Okay. The amendment passes unanimously. So there
10 will be a 10 minute speaking limit added to 3.8.
11 We're now back to the main motion. Commissioner
12 Olson?

13 COMMISSIONER OLSON: My - thank you. Thank
14 you, Chair Collins. My understanding was that the
15 single difference between these two items, the two
16 sets of rules, was simply that the, the set that you
17 had proposed was streamlined, in that it didn't - that
18 anything that was already mandated was, was not
19 included, and, and effectively, what you proposed was
20 a list of standing rules. Is - did I not catch that
21 correctly?

22 CHAIR COLLINS: That is correct. The, the
23 draft rules only calls out things that are not
24 mandated, where we have discretion, and it's not
25 covered by Roberts Rules of Order, or that we depart

1 from Roberts Rules of Order.

2 COMMISSIONER OLSON: So what you've got is
3 basically cliff notes.

4 CHAIR COLLINS: This is - you're referring to
5 the, the proposal on the table?

6 COMMISSIONER OLSON: Sorry. No, I'm actually
7 referring to what you had set forward. They're like -
8 like I said, standing rules, or, or cliff notes
9 version, correct?

10 CHAIR COLLINS: Yeah. That's right. It just
11 covers things that are not part of something else,
12 that we have control over.

13 COMMISSIONER OLSON: And there's no - there's
14 no contradiction between what you proposed and, and,
15 and this set that we have on the table.

16 CHAIR COLLINS: I think the rule related to
17 testimony protocol is slightly different, because it's
18 somewhat shorter and also requires somebody who's
19 registered as a lobbyist to disclose that fact when
20 they testify. And then also, the --

21 COMMISSIONER OLSON: Okay.

22 CHAIR COLLINS: -- other rule that's missing,
23 that's not in this one, that's in the other one, is
24 that we have a rule that to the extent that we request
25 the Maui County Council to appoint independent counsel

1 for any reason, that we do that. We have that power
2 whether or not it's in a rule, but it's just something
3 that I think, because it's not written down anywhere
4 else, it's, it's worth, worth mentioning.

5 COMMISSIONER OLSON: Thank you.

6 CHAIR COLLINS: Commissioner Canto, and then
7 Commissioner Batangan.

8 COMMISSIONER CANTO: I did not have a question.

9 CHAIR COLLINS: Oh - sorry.

10 COMMISSIONER CANTO: Yeah.

11 CHAIR COLLINS: Okay. Commissioner Batangan?

12 COMMISSIONER BATANGAN: I did have a question
13 on that second point. So the current County Charter
14 says that Corporation Counsel shall be the chief legal
15 advisor and legal representative of the County of
16 Maui, the Council, the Mayor, all departments, and all
17 boards and commissions. So was there something that
18 allowed us to - is there something that you know of
19 that allows us to seek other counsel?

20 CHAIR COLLINS: Section 3-6, Subsection 6,
21 allows the County Counsel, by a vote of two-thirds, to
22 employ special counsel as legal, legal
23 representative for any matter. So it is, it is
24 authorized by the Charter. Further --

25 COMMISSIONER BATANGAN: And then again --

1 CHAIR COLLINS: -- discussion? Oh - sorry --

2 COMMISSIONER BATANGAN: But leading to that --

3 COMMISSIONER DELEON: For clarity --

4 COMMISSIONER BATANGAN: -- is there a budget
5 for us to hire independent counsel?

6 CHAIR COLLINS: I'm, I'm sorry?

7 COMMISSIONER BATANGAN: Is there a budget for
8 us to hire independent counsel?

9 CHAIR COLLINS: Yeah. So under - so part of
10 the, the Council's power in appointing special
11 counsel, is that they authorize the paying of special
12 counsel, and so it's outside of the normal budget
13 procedures. Commissioner DeLeon? Oh - yeah, I'm
14 sorry - wait - before Commissioner DeLeon speaks -
15 Commissioner Mardfin - sorry, I didn't see --

16 COMMISSIONER DELEON: No problem.

17 CHAIR COLLINS: -- his hand.

18 COMMISSIONER MARDFIN: Yeah, I was kind of slow
19 getting it up here. I'm going to vote against this
20 motion, as I prefer the, the pared down set of rules.
21 I, I don't mean it to be an insult to anybody, but I,
22 I, I don't think we need the duplication.

23 CHAIR COLLINS: Okay. Commissioner DeLeon?

24 COMMISSIONER DELEON: Back to the legal advisor
25 - are you talking about, in terms of litigation? Or

1 are you talking about advice on constitutionality and,
2 and structure of the, of the charter?

3 CHAIR COLLINS: With - in respect to what's in
4 the draft rule?

5 COMMISSIONER DELEON: In - what's Number 11, is
6 --

7 CHAIR COLLINS: Oh.

8 COMMISSIONER DELEON: Is that meant to be for,
9 for a case where we, we find ourselves suing
10 Corporation Counsel?

11 CHAIR COLLINS: Well, hopefully, that doesn't
12 happen. I think what it, what it - it, it, it's a
13 placeholder that allows us to - I mean, we're allowed
14 to do it, even if there isn't a rule that says we,
15 we'd do it - it just makes it clear and transparent
16 that that's possible, that, that we can ask the, the
17 Council to authorize special counsel to give us
18 independent legal advice on any point. Yeah.

19 COMMISSIONER DELEON: Is that an existing right
20 anyway?

21 CHAIR COLLINS: That is an existing power.

22 COMMISSIONER DELEON: So why is it here, if
23 we're getting rid of all the extra, ordinary stuff?

24 CHAIR COLLINS: Yeah. So this is not - well,
25 so --

1 COMMISSIONER DELEON: I mean, if we're paring
2 down - if we're paring down - and this is not
3 necessary in this case - I don't think it's going in
4 the right direction. Yeah, I, I felt uncomfortable
5 with it, actually.

6 CHAIR COLLINS: Sure.

7 COMMISSIONER DELEON: I mean, what are we
8 talking about independent counsel for?

9 CHAIR COLLINS: Yeah.

10 COMMISSIONER DELEON: It seems (unintelligible)
11 to open up --

12 CHAIR COLLINS: Well, I - actually, you have a
13 - you actually have a very good point. Actually, the
14 discussion is out of order, because it's not presently
15 being considered by the Commission. So you're - thank
16 you. You're right. I'm sorry. Discussion of what's
17 in the draft rules is somewhat out of order. But I do
18 agree with - but I do agree with what you're saying,
19 is that it is unnecessary.

20 COMMISSIONER DELEON: Okay.

21 CHAIR COLLINS: Commissioner Olson?

22 COMMISSIONER OLSON: Thank you, Chair. I would
23 like to move to amend the rules that (sound cuts out)
24 are considering, by adding your proposed rule - I -
25 which states that disclosure of lobbyist status - each

1 testifier who is a paid lobbyist, as defined by
2 Section 2.56.040 MCC, shall disclose that status at
3 the beginning of their testimony.

4 COMMISSIONER DELEON: Second.

5 CHAIR COLLINS: Okay. Commissioner Olson has
6 moved to amend the proposed rules at Rule - Section
7 11, adding a new rule that incorporates all of the
8 language that's in the draft Rule 8D, seconded by
9 Commissioner DeLeon. Commissioner Olson?

10 COMMISSIONER OLSON: I simply think that it
11 makes for greater transparency, and if somebody's
12 being paid for the testimony that they provide to this
13 Commission, that should be public, readily available
14 public knowledge.

15 CHAIR COLLINS: Okay. Are there any further
16 comments by - discussion by Commissioners on this
17 amendment? Commissioner DeLeon?

18 COMMISSIONER DELEON: I seconded it, despite
19 the fact that I used to be a lobbyist.

20 CHAIR COLLINS: Well, we - nobody --

21 COMMISSIONER OLSON: That's very gracious of
22 you.

23 CHAIR COLLINS: Yeah.

24 COMMISSIONER OLSON: Thank you.

25 CHAIR COLLINS: No, nobody will hold that

1 against you.

2 COMMISSIONER DELEON: Okay. Well --

3 CHAIR COLLINS: I won't --

4 COMMISSIONER DELEON: -- not yet.

5 CHAIR COLLINS: -- at least. Yeah. Okay.

6 COMMISSIONER CANTO: I have a question.

7 CHAIR COLLINS: Yes.

8 COMMISSIONER CANTO: Could Commissioner Olson
9 repeat what she just stated, just a second ago?

10 CHAIR COLLINS: Sure. Commissioner Olson, can
11 you repeat your justification for the motion?

12 COMMISSIONER OLSON: I will do my best. I
13 simply believe that if an individual has been hired to
14 provide testimony to the Commission, or is being
15 (sound cuts out) for providing testimony to the
16 Commission, as a lobbyist, I believe that, that
17 information should be readily, if not immediately,
18 available to the Commission and anybody else in the,
19 in the room.

20 COMMISSIONER CANTO: Thank you. Appreciate
21 that.

22 COMMISSIONER OLSON: I believe that
23 transparency is critical.

24 COMMISSIONER CANTO: Thank you. Thank you,
25 Chair.

1 CHAIR COLLINS: Okay. Is there any further
2 discussion or questions about the motion to amend the
3 proposed rules to include a new section regarding
4 lobbyist disclosure? No? Okay.

5 COMMISSIONER DELEON: Question.

6 CHAIR COLLINS: Oh --

7 COMMISSIONER DELEON: Question.

8 CHAIR COLLINS: Commissioner DeLeon?

9 COMMISSIONER DELEON: So this is a, this is -
10 moving the, the item you had in your rules, over to
11 Number One, is that correct?

12 CHAIR COLLINS: Yes, that's - that is basically
13 adding the language that's in draft Proposed Rule 8D
14 to the current proposal, proposed rules, as a new
15 section, Rule 11.11.

16 COMMISSIONER DELEON: Thank you.

17 CHAIR COLLINS: Okay. Any further questions or
18 discussion? None? Okay. The amended motion is to
19 add the lobbyist disclosure to the main motion as a
20 new Rule 11.11. All those in favor, say Aye and raise
21 your hand.

22 (Chorus of Ayes)

23 CHAIR COLLINS: Okay.

24 COMMISSIONER OLSON: Aye.

25 CHAIR COLLINS: Anybody --

1 COMMISSIONER PURDY: Aye.

2 CHAIR COLLINS: -- opposed? None? The
3 amendment passes, and we're now again back to the main
4 motion. Is there any further discussion?
5 Commissioner Kuoha?

6 COMMISSIONER KUOHA: I'd like to speak to the
7 main motion. And I intend to vote it down. I - along
8 with Commission Mardfin, I think having the rules in
9 front of us that we actually, as a Commission can
10 change - it helps. And as long as we have the
11 guidance - I believe there's a memo, as well as the
12 current draft that we're discussing - as long as we
13 have those items in front of us, we also have a full -
14 or a, a broad range of other rules that we understand
15 that we are working under. But again, I, I'd prefer
16 that the rules be those rules that we can change. And
17 I'll keep it at that. Thank you.

18 CHAIR COLLINS: Okay. Deputy, Deputy
19 Corporation Counsel Thomson would like to say
20 something.

21 RICHELLE THOMPSON: Thank you, Chair. Just
22 quickly - in terms of being able to change your rules
23 - so you have the power to do that at any time, as
24 you're doing so now. So it's not just a one-time
25 shot. I just wanted to make that clear.

1 And then the other - before you vote on the
2 main motion, I just wanted to also go back to Rule
3 2.6, and that's about the duration of recess, which
4 Commissioner Batangan brought up earlier.

5 CHAIR COLLINS: Yeah. I, I - I'll take that as
6 a point of parliamentary inquiry, and just clarify
7 that there is no rule that can be adopted, that cannot
8 be subsequently undone by a majority of the
9 Commission. No majority of the Commission can ever
10 bind a future majority of the Commission from doing
11 any lawful act. That's just a standard, standard
12 point of parliamentary law for all deliberative bodies
13 that operate by majority rule. Commissioner DeLeon?

14 COMMISSIONER DELEON: Before we take the vote
15 on the main motion - 2.6 is still incomplete. We
16 don't have dates in there. We don't have the days in
17 there. It's supposed to be --

18 CHAIR COLLINS: Um-hmm.

19 COMMISSIONER DELEON: -- how many days we can
20 recess, and for how long a period. I'd really - I
21 have a hard time with - a little bit of a hard time
22 with the language of it. I didn't understand exactly
23 what the implication of the second date was. I
24 thought - but in any case, it seems like we would need
25 to fill in those blanks before we move on, because

1 right now it's a blank.

2 CHAIR COLLINS: Yes. Well, I think, actually,
3 it is possible to approve these proposed rules with
4 that blank. It's just the rule would not really be
5 effective because it's not actually describing a
6 particular procedure. But it would be better practice
7 to have that filled out. The alternate - alternate
8 proposed language from the proposed rules is Rule 2C,
9 which is basically one sentence long. So that is an
10 alternative that's floating out there as alternative
11 language to 2.6. But in order to fill in the blanks,
12 somebody will have to make a motion to amend the main
13 motion, and say what they want to put in.

14 Commissioner Olson.

15 COMMISSIONER OLSON: I'd like to move that we
16 complete these blanks, fill in these blanks with not
17 more than 10 consecutive calendar days, and to - not -
18 to a date more than - yeah, 10. Ten's a good number.

19 CHAIR COLLINS: Okay.

20 COMMISSIONER DELEON: Second.

21 CHAIR COLLINS: Is there a second? Okay.
22 Commissioner Olson moves to amend the main motion by
23 inserting 10 into both of the blanks in the Rule 2.6,
24 and that's been seconded by Commissioner DeLeon.
25 Commissioner Olson.

1 COMMISSIONER OLSON: In the interest of
2 expediency and ensuring that that is complete,
3 although it can be changed at a later date if there is
4 any kind of an emergency that we face, it seems that
5 it behooves us to, to go ahead and fill in those
6 blanks.

7 CHAIR COLLINS: Okay. Are there any other - is
8 there any other discussion on this amendment? No?
9 Okay. Before I call the question - since the Chair
10 doesn't vote unless there's a tie, or some other -
11 okay. Commissioner Batangan?

12 COMMISSIONER BATANGAN: Yeah, sorry to prolong
13 the discussion. Just wanted to say that I will be
14 voting in support of the main motion. I --

15 CHAIR COLLINS: Oh.

16 COMMISSIONER BATANGAN: -- personally find it -
17 -

18 CHAIR COLLINS: Okay - wait. Wait --

19 COMMISSIONER BATANGAN: -- (unintelligible)

20 CHAIR COLLINS: Hold on just a second. Hold on
21 just a second. We're - we have to take a vote on the
22 motion --

23 COMMISSIONER BATANGAN: Oh, it's all right.

24 CHAIR COLLINS: -- to amend first. Yeah.
25 Sorry.

1 COMMISSIONER BATANGAN: Okay.

2 CHAIR COLLINS: Hold on just a second. So
3 yeah, I - since I'm not going to be voting on this
4 amendment, because I'm pretty certain there's - I'm
5 not going to have to break a tie - I would just say
6 that I would vote against this motion if I had the
7 opportunity to, because I did represent Daniel
8 Kanahele and others who sued the Maui County Council
9 over marathon recessed meetings, and it's my view
10 that, although the Supreme Court said it can happen
11 but is not best practice - I don't think that it's
12 good for public bodies to recess their meetings for
13 more than six calendar days. So - but there's nothing
14 wrong with 10, and if that's what the rule is, it's
15 totally fine. I just want it noted in the record that
16 if I had the opportunity to vote on this motion, I
17 would vote against it. Okay. With that being said,
18 all those in favor of the motion to amend 2.6 to
19 insert '10' into the two blanks, vote by - if you vote
20 affirmatively, vote - say Aye and raise your hand.

21 (Chorus of Ayes)

22 CHAIR COLLINS: Okay. Those opposed, raise
23 your hand and say No.

24 COMMISSIONER MARDFIN: No.

25 CHAIR COLLINS: Okay. The motion - the motion

1 to amend passes. Now, back to the main motion.

2 Commissioner Batangan.

3 COMMISSIONER BATANGAN: Thanks. And I
4 apologize for speaking out of turn earlier. I
5 personally find it helpful to have all of the - or, I
6 guess, as many of the rules that bind our body, in one
7 place. I, I like the consolidation, and not having to
8 reference a separate legal memo, or to look up HRS, or
9 the Charter for other relevant, I guess, rules that,
10 that dictate the behavior of this body. So I'm
11 personally okay with redundancy, and actually find it
12 helpful, and just wanted to have that on record.
13 Thank you.

14 CHAIR COLLINS: Okay. Further discussion?
15 Commissioner DeLeon?

16 COMMISSIONER DELEON: I agree with what the,
17 the - I, I agree with the last statement, in total.

18 CHAIR COLLINS: Okay. Commissioner Mardfin?

19 COMMISSIONER MARDFIN: I just prefer four pages
20 of rules. It's, for my mind, it works out better than
21 15 pages of rules, so I'm going to be still voting No
22 on the main motion.

23 CHAIR COLLINS: Okay. Any further discussion?
24 Okay. I will call for a vote, then. All those in
25 favor of the main motion to adopt the draft rules as

1 amended, please vote Yes by saying Aye, and raising
2 your hand.

3 (Chorus of Ayes)

4 CHAIR COLLINS: Okay. Sorry. Can you - sorry,
5 the - my, my thing switched, and Commissioner Chun's
6 video went down. Can we - can --

7 COMMISSIONER CHUN: Yeah, sorry about that.

8 CHAIR COLLINS: -- we - can you stick,
9 everybody stick their hands up again? Okay. One,
10 two, three, four, five (unintelligible)

11 RICHELLE THOMPSON: If you could, Chair, could
12 you announce the names? It's easier for the
13 transcript, then.

14 CHAIR COLLINS: Sure. Yeah. Okay. So we'll
15 just do a roll call vote, because I think it'll be
16 easier than having me having to have everybody hold
17 their hands up for a, a while. Okay. Commissioner
18 Batangan.

19 COMMISSIONER BATANGAN: Aye.

20 CHAIR COLLINS: Commissioner Canto.

21 COMMISSIONER CANTO: Aye.

22 CHAIR COLLINS: Commissioner Chun.

23 COMMISSIONER CHUN: Aye.

24 CHAIR COLLINS: Commissioner DeLeon.

25 COMMISSIONER DELEON: Aye.

1 CHAIR COLLINS: Commissioner Deslauriers?

2 COMMISSIONER DESLAURIERS: Aye.

3 CHAIR COLLINS: Commissioner Kapoi?

4 COMMISSIONER KAPOI: Aye.

5 CHAIR COLLINS: Commissioner Kuoha?

6 COMMISSIONER KUOHA: 'A'ole. No.

7 CHAIR COLLINS: Commissioner - Commissioner
8 Mardfin?

9 COMMISSIONER MARDFIN: No.

10 CHAIR COLLINS: Commissioner Olson?

11 COMMISSIONER OLSON: Nay.

12 CHAIR COLLINS: Commissioner Purdy?

13 COMMISSIONER PURDY: Aye.

14 CHAIR COLLINS: Okay. The motion carries.
15 Commissioner Kuoha.

16 COMMISSIONER KUOHA: I'd like to make a motion.

17 CHAIR COLLINS: Okay.

18 COMMISSIONER KUOHA: I'd like to add, in our
19 current rules, under what I believe is Open Rule 14,
20 or Section 14, the following language: To the extent
21 authorized by the Maui County Council, comma, the
22 Commission shall be advised by independent legal
23 counsel.

24 CHAIR COLLINS: Okay. Is there a second?

25 COMMISSIONER MARDFIN: Second.

1 CHAIR COLLINS: Okay. A motion has been made
2 to create a new Rule 14 that states: To the extent
3 authorized by the Maui County Council, the Commission
4 shall be advised by independent legal counsel. It's
5 been seconded by Commissioner Mardfin. Commissioner
6 Kuoha.

7 COMMISSIONER KUOHA: So I, I'd like to have
8 this in there, even though as you stated, it's, it's
9 well within our rights. I'd like us to explore this,
10 this option sooner than later. And, and I think that
11 there's some structural reasons why we should consider
12 this. The - as a Commission reviewing the Charter, we
13 are charged with considering all possibilities - both
14 the possibilities that are currently encompassed by
15 the Maui County and it's, it's existing systems, as
16 well as possibilities that are external to that. And,
17 and I, I believe that having independent counsel helps
18 us better explore those possibilities.

19 My understanding is that Corporation Counsel
20 has internal processes and, and consistency that they
21 seek to maintain within their decisions. What I'm,
22 what I'm speaking to is that they, within County
23 government, they have a history of legal opinions that
24 they seek to (sound cuts out). And my issue with that
25 is if we're looking at something that's outside of, of

1 - or that conflicts with an established legal opinion
2 that they have within Counsel, then they're going to
3 advise us against that. And I, I would prefer that
4 our legal advice be free of that particular
5 constraint.

6 On top of that, I think just for our, our
7 residents, having faith that, that our work here is as
8 independent from the County and, and the established
9 system as possible, is only going to help us as we
10 speak to residents, as we explain and, and seek
11 feedback from residents. If we can take any
12 possibility of that suspicion that the establishment
13 is, is putting their finger on the weights, I think
14 that just helps our cause. I don't see that happening
15 yet. But I just think that it'd be a great - it's a
16 better practice for us. And to do it earlier than
17 later, in order to minimize the, the challenges that
18 having Corporation Counsel as our primary legal
19 advisor, may pose.

20 All that said, I'm, I'm hopefully that - and I,
21 and the way I understand it is that there's still a
22 significant role for Corporation Counsel in our work.
23 It's just for questions of legal, of legality, I, I
24 think having independent counsel is going to be very
25 helpful.

1 CHAIR COLLINS: Okay. Further discussion?
2 Commissioner Canto.

3 COMMISSIONER CANTO: You know, in, in all due
4 respect to Corporation Counsel, I would have to
5 support Commissioner Kuoha. So I will be supporting
6 (sound cuts out) Commissioner.

7 CHAIR COLLINS: Okay. Further discussion?
8 Commissioner DeLeon?

9 COMMISSIONER DELEON: I don't know. I feel
10 like we're setting up a conflict. I don't see any
11 need to be doing this. We have Corporation Counsel.
12 This is not free. This costs money. But it also
13 costs - you know, the way this, this body's - in the
14 last Charter amendment - the, the way this body was
15 created, sets up that sense of, you know, who's got
16 the finger on, on the, on the, the scale - already.

17 So by doing this, the question will become,
18 this is - whose attorney is this? The Corporation
19 Counsel is the County's attorney. If we go - we have
20 a six to five vote on an, on an attorney, then who's
21 attorney is that? Then we've become conflicted
22 ourselves. So I really prefer to stay with the, the -
23 I mean - with, with the Corporation Counsel. I think
24 they're, they're adequate for this purpose. Our job
25 is not to be into legal conflicts with, with the

1 County. Our job is to be working to see what we can
2 do to improve the Charter. And what we need is good
3 counsel for that aspect - not, not for - not for a
4 final legal authority. Mahalo.

5 CHAIR COLLINS: Further discussion?
6 Commissioner Deslauriers?

7 COMMISSIONER DESLAURIERS: Well, I, I think
8 that it is important that we do have an independent
9 counsel to support us. Again, there is a framework
10 that happens sometimes with Corporation Counsel, in
11 the way they look at issues, and, and, and certainly,
12 it has conflicted some of those progressive issues
13 that have come up at times. So I think it is
14 important that we do have that level of independence,
15 to really show that as, you know, just stated that we
16 really have to show that we are independent, that we
17 are representing the community and all the different
18 residents, and not to have this other thing imposed -
19 it gives us freedom from that potential conflict.

20 CHAIR COLLINS: Okay. Further discussion?
21 Member Batangan? Commissioner Batangan?

22 COMMISSIONER BATANGAN: So, can I get
23 clarification on the motion? So this is to replace
24 Corp. Counsel, or to supplement Corp. Counsel as our
25 advisors? The way I read it, it's not super clear

1 whether or not we're bringing on additional legal
2 advisors, or if we're - or if we're going to be
3 replacing Corporation Counsel.

4 CHAIR COLLINS: If you're asking that - are you
5 asking that to the maker of the motion, or are you
6 asking that to me as a point of inquiry?

7 COMMISSIONER BATANGAN: Yes. I was asking the
8 maker of the motion, since it's his motion. But since
9 he's citing your work, if you would like to chime in -
10 and I guess it's more for the body's discussion.

11 CHAIR COLLINS: Sure. So the rule basically
12 states that, that the Commission can be advised by
13 independent legal counsel, but it doesn't, it doesn't
14 say under what circumstances, because the Commission
15 would then still have to vote to ask the Council for
16 independent legal counsel, either for a specific
17 purpose, or in general. The rule doesn't, doesn't
18 limit or specify what that is. It would still be up
19 to the Commission to decide if it, if it wanted to do
20 that. But by adopting this rule, it would allow that.
21 Commissioner Kuoha?

22 COMMISSIONER KUOHA: And I'd just like to add
23 that I, I see it as supplementing Corporation Counsel,
24 because they have historical knowledge. They have
25 systems knowledge of, of the County. They have, they

1 have, you know, they have people on every Commission.
2 And, and they're going to be important advisors to
3 this, this Commission. I simply think that it's -
4 when, when it comes to, sort of final legal questions
5 - and, and we're going to come to some of those, where
6 we're going to ask our advisor, our legal advisor, 'Is
7 this permissible under law? Is this advisable under
8 law?' I, I'd like the person that we, we ask those
9 questions to, to not be held to precedent and
10 consistency within their - the - that's established in
11 Corporation Counsel. I'd like them to have an
12 independent perspective on those questions, those
13 specific questions.

14 CHAIR COLLINS: Further discussion?
15 Commissioner DeLeon? Oh, I'm sorry - hold on just a
16 second. Commissioner Chun?

17 COMMISSIONER CHUN: Yeah, I just wanted to
18 share that my understanding is that what is proposed -
19 I mean, I don't feel threatened by it at all. I, I
20 feel like it's already accommodated for in the
21 provisions, provisions of the Charter. And, I mean,
22 the discussion is - that we're having on the main - on
23 the motion, as far as this amendment, seem like 'what
24 if' kind of questions. But clearly to me, the
25 language that Commissioner Kuoha has proposed is

1 consistent with, with what's allowable. And so to the
2 extent that there's a greater comfort level for simply
3 reflecting that in our rules, if I'm understanding
4 this correctly, you know, I'm comfortable with that.

5 CHAIR COLLINS: Okay. Further discussion?
6 Commissioner DeLeon?

7 COMMISSIONER DELEON: So - for, for clarity -
8 are we talking about advisers who are going to help us
9 with the amendments? Or are we talking about legal
10 advisors that are going to force the issue if, if we
11 come up with something that the Corporation Counsel
12 thinks is not kosher?

13 CHAIR COLLINS: This rule basically states that
14 the Commission can be advised by independent legal
15 counsel. But it would be up to the Commission at the
16 time of seeking that independent legal counsel, to
17 determine what the parameters of that were, and it's a
18 request that's actually made to the County Council.
19 It's not - the Commission can't take action without
20 getting approval by the Maui County Council.

21 COMMISSIONER DELEON: So - so - and, and in the
22 last Commission, Mr. Van Dyke served as - and his, and
23 his wife served as counsel, in terms of
24 constitutionality, and in research. Are we talking
25 about that kind of support? Or are we talking

1 something - I'm trying to think, and distinguish what,
2 what, what, what function that - are we trying to talk
3 about here.

4 CHAIR COLLINS: So Professor Van Dyke provided
5 the Charter Commission - the past two Charter
6 Commissions, and, and Professor Broder - they provided
7 legal information. They did not provide legal advice.
8 So the Commission could not rely on the information
9 that they were giving as legal advice, as an attorney
10 client - they could only provide legal information, as
11 basically, legislative analysts.

12 COMMISSIONER DELEON: But the function is -
13 it's - so what we're taking about - the, the function
14 is in the helping with the research, and development
15 of ideas? Or is it - or is it in, in going to court?

16 CHAIR COLLINS: I think one of the things that
17 special counsel could do would be to go to court, but
18 it's also possible for independent legal counsel to
19 give legal advice that can be relied on, and not
20 needed - not need to go to - there's not a - it's not
21 one or the other. Providing independent legal advice
22 doesn't require going to court. But Commissioner
23 Canto had, had her hand raised.

24 COMMISSIONER CANTO: I'm sorry - and just so
25 that I, I understand this. So it would be on an as-

1 need basis? I mean, we wouldn't have them for the
2 entire year or so? It would be - we would consult
3 with them as needed? Or, or how, how does this work,
4 if it passes?

5 CHAIR COLLINS: If it passes, the Commission
6 would have to decide separately if it wanted to have
7 an independent counsel entirely, or if it was just
8 needed for specific issues. For example, the agenda
9 today identifies a specific issue with a possible
10 request to seek special counsel with - related to the
11 applicability of Act 50 - I'm sorry, Chapter 50, HRS,
12 to our proceedings. So that would be an example of a
13 specific, a specific request for independent legal
14 counsel on a specific issue.

15 COMMISSIONER CANTO: Okay. Thank you, Chair.

16 CHAIR COLLINS: Sure. Commissioner Olson,
17 followed by Commissioner Purdy. Oh, okay.
18 Commissioner Olson.

19 COMMISSIONER OLSON: Thank - thank you. Thank
20 - thank you, Chair Collins. With regard to this
21 amendment, if there is no room whatsoever for
22 improvement to our current County Charter, then there
23 would be even less need for independent counsel. And,
24 and are we not charged with challenging some of the
25 things that have been in, in the Charter for the last

1 10 years or longer? And it is for that reason - we,
2 we have spectacular County Counsel. I mean, we have
3 spectacular legal minds working for our county. But
4 again, the point is, to think outside of this box.
5 There's no need to become terribly combative.
6 Hopefully, there will never be a reason to go to
7 court. But by simply codifying this in our rules, it
8 further demonstrates willingness to be flexible in
9 thought, I think. So I personally will be voting in
10 favor of this amendment to our rules. Thank you.

11 CHAIR COLLINS: Okay. Further discussion?
12 Commissioner DeLeon?

13 COMMISSIONER DELEON: Could I request the Corp.
14 Counsel respond to this, this item, as our --

15 CHAIR COLLINS: Do you have a --

16 COMMISSIONER DELEON: -- legal advisor,
17 currently?

18 CHAIR COLLINS: Do you - you're asking if the
19 rule is legal? Is, is that the question?

20 COMMISSIONER DELEON: No, I'm asking what their
21 opinion of the rule is, legally.

22 CHAIR COLLINS: Okay. Deputy Corporation
23 Counsel Thomson?

24 RICHELLE THOMPSON: Thank you, Chair. In terms
25 of the - including this new rule in your rules, I

1 don't think it has a legal effect one way or another
2 by including it in the rules.

3 COMMISSIONER DELEON: (unintelligible)

4 CHAIR COLLINS: Okay. Further discussion?

5 Okay. If there's no further discussion, I will - let
6 me - sorry - pull up the, the list of - okay. I'll go
7 through a roll call vote. Commissioner Batangan.

8 COMMISSIONER BATANGAN: Aye.

9 CHAIR COLLINS: Commissioner Canto?

10 COMMISSIONER CANTO: Aye.

11 CHAIR COLLINS: Vice Chair Chun?

12 COMMISSIONER CHUN: Aye. (muted on video)

13 CHAIR COLLINS: Commissioner DeLeon?

14 COMMISSIONER DELEON: Aye.

15 CHAIR COLLINS: Commissioner Deslauriers?

16 COMMISSIONER DESLAURIERS: Aye.

17 CHAIR COLLINS: Commissioner Kapoi?

18 COMMISSIONER KAPOI: Aye.

19 CHAIR COLLINS: Commissioner Kuoha?

20 COMMISSIONER KUOHA: Aye.

21 CHAIR COLLINS: Commissioner Mardfin?

22 COMMISSIONER MARDFIN: Aye.

23 CHAIR COLLINS: Commissioner Olson?

24 COMMISSIONER OLSON: Aye.

25 CHAIR COLLINS: Commissioner Purdy.

1 COMMISSIONER PURDY: Aye.

2 CHAIR COLLINS: Okay. The motion passes.

3 There is now a - added to our rules is Rule 14 related
4 to independent legal counsel. Commissioner Kuoha.

5 COMMISSIONER KUOHA: Chair Collins, I, I move
6 to have what in Item 2, 2 on our agenda is listed as
7 Rule 10, Commission Information Open - and, you know,
8 instead of reading that whole piece, I think all
9 Commissioners have access to that. And to me, what
10 it's, what it's ensuring is that we are - it's simply
11 being as open as possible. And I, I think that's,
12 that's a great way to start off, and maintain our work
13 as a Commission.

14 CHAIR COLLINS: Okay. So just, sorry, to
15 clarify. Your motion is to add a new rule which
16 appears as Rule 10 in the proposed rule?

17 COMMISSIONER KUOHA: Correct.

18 CHAIR COLLINS: That the rule is just --

19 COMMISSIONER KUOHA: And if it helps, I can
20 read that, as well.

21 CHAIR COLLINS: Commissioner - Commission
22 Information Open.

23 COMMISSIONER KUOHA: Correct.

24 CHAIR COLLINS: Okay. Is there a second to
25 that motion?

1 COMMISSIONER CANTO: I'll second.

2 CHAIR COLLINS: Okay. It has been moved by
3 Commissioner Kuoha to add a new Rule 15, which
4 incorporates the language of the proposed rule, Rule
5 10, Commission Information Open, seconded by
6 Commissioner Canto. Commissioner Kuoha.

7 COMMISSIONER KUOHA: It - I, I pretty much
8 spoke to it already. Thank you very much.

9 CHAIR COLLINS: Okay. Further discussion?
10 Okay. All those in favor, say Aye and raise your
11 hand?

12 (Chorus of Ayes)

13 CHAIR COLLINS: Okay.

14 (Chorus of Ayes)

15 CHAIR COLLINS: Okay. Opposed? Okay - none.
16 The motion passes unanimously. Rule 15 will now read
17 with the text from the proposed Rule 10. Okay. At
18 this point, I think we will go back to testimony. We
19 said that we would reopen testimony for individuals
20 who missed the public testimony period. Ms. Thomson,
21 is there anybody who has signed up to testify, that
22 wishes to testify?

23 RICHELLE THOMPSON: Yes. Dick Mayer has signed
24 up to testify, and also there was written testimony
25 that was submitted by Madge Schaeffer (phonetic), and

1 it may not have arrived to the Commission (recording
2 cuts out) time, so if you did not receive that from
3 Cory earlier, I understand that it's been pasted into
4 the Chat.

5 CHAIR COLLINS: Okay. All right. Why don't we
6 get the testimony from Mr. Dick Mayer. Welcome.

7 DICK MAYER: Thank you. Can you hear - can you
8 hear me?

9 CHAIR COLLINS: Yes, we can hear you.

10 DICK MAYER: Thank you. First, I want to say I
11 was very pleased hearing all the introductions by
12 everybody. There's diversity on the panel, and I
13 think that will make for a very good set of
14 recommendations down the road. I am concerned about
15 the publicity that's going out, on all the work that
16 you and the County Council eventually will be doing,
17 and the voters will eventually have to vote on. And I
18 would hope that you would get a - the equivalent of a
19 viewpoint, and, and maybe some other releases
20 describing what a Charter Commission is, and what its
21 responsibilities are, to make the recommendations.
22 Today's paper had a little thing in there. Well, it
23 says, 'Charter wants to hear from Central Maui,' which
24 is, of course, not what you were aiming for. You want
25 to hear from Central Maui about - not about Central

1 Maui.

2 So what I would like to do is ask that the
3 Chair, and maybe the Chair and Vice Chair get
4 together, and put out a, a, a release to the public
5 that would go not only to the Maui News, but in the
6 other entities that are out there, that will solicit
7 information. And I, I would like to say the request
8 should be for the public to suggest changes that may
9 be needed in our Charter, to improve the - you know,
10 can name off a number of items - the Mayor, the County
11 Council, boards and commissions, and the departments
12 of the County, and the general operations of the
13 County. And we're looking for the public to indicate
14 how we can do this all better, something of that sort.
15 Put it in a positive light, you need constructive
16 help, getting ideas of what you need.

17 I think the work that you're going to be doing
18 will demand a lot of good input. And I think
19 soliciting it early on, maybe even again later on - as
20 people listen to it, they will have a better
21 understanding of all the work you're doing. It's a,
22 it's a - just a suggestion, so that you operate more
23 efficiently, and more effectively. And I thank you,
24 and I, I know you're all interested in doing that.
25 (unintelligible).

1 CHAIR COLLINS: Okay. Thank you, Mr. Mayer.
2 Are there any questions for the testifier? There are
3 no questions. Thank you very much, Mr. Mayer, for
4 your testimony.

5 DICK MAYER: I would just ask that - yeah, I
6 would just ask that you set up the mechanism to get
7 some publicity out that will get that input.

8 CHAIR COLLINS: Yes. Thank you very much. Ms.
9 Thomson, is - are there any other individuals who have
10 expressed an interest in providing oral testimony?

11 RICHELLE THOMPSON: No, there is no one else
12 signed up to testify for oral testimony.

13 CHAIR COLLINS: Okay. At this time, we will
14 close public testimony for this meeting. (sound cuts
15 out)

16 COMMISSIONER DESLAURIERS: You're on mute,
17 Lance.

18 CHAIR COLLINS: Clicked the wrong button. I
19 think at this time, it would be a good idea to take a
20 five minute recess. We've been going for almost an
21 hour and a half. And if, if nobody has any
22 objections, we can take a five minute recess. It is
23 7:23 right now, and we would reconvene at 7:28.

24 COMMISSIONER DESLAURIERS: Lance, I have a
25 question.

1 CHAIR COLLINS: Commissioner Deslauriers, yes.

2 COMMISSIONER DESLAURIERS: Just - would you be
3 able to set up those slides that I sent you? Would
4 that be possible? Is that something that you want to
5 do, or --

6 CHAIR COLLINS: Sure. Why don't we recess, and
7 I can talk to you about that. So, we will --

8 COMMISSIONER DESLAURIERS: Okay. Good.

9 CHAIR COLLINS: -- stand in recess until 7:28.

10 (RECESS IS TAKEN)

11 CHAIR COLLINS: The April 1st meeting of the
12 Maui Charter Commission, Maui County Charter
13 Commission has reconvened at 7:31. I would like to
14 make the recommendation that we skip ahead to Item G,
15 which is a presentation by Deputy Corporation Counsel
16 Keola Whittaker, only due to time constraints, and
17 then we will go back to F. Are there any objections
18 to skipping ahead to Item G, due to the time
19 situation?

20 COMMISSIONER CANTO: No.

21 CHAIR COLLINS: No? Okay. Well, Deputy
22 Corporation Counsel Whittaker, please - please
23 proceed.

24 KEOLA WHITTAKER: Thank you, Chair. At the
25 last meeting, we were asked to review some laws

1 relating to the County's powers, and State preemption.
2 So I put together a presentation on that topic, and
3 with help from Chair Collins, we narrowed the scope of
4 it. So I'm going to share my screen.

5 So just an overview of what we're going to talk
6 about today. We're going to go over just a theory of
7 governing authority, and a brief history, which will
8 help inform what happens later, from the Organic Act
9 to the 1905 County Act, to the various Constitutional
10 Conventions. Then we'll talk about relevant laws -
11 and the State Constitution, statutes, and case law.
12 Then we'll talk about areas of cooperation and dual
13 authority between the State and County governments,
14 briefly touch on a couple of other issues, and
15 summarize this.

16 And just a couple of, of notes. There are
17 going to be terms I'm going to talk about early in the
18 presentation that will come up again several times.
19 So you may have questions about them. And I'd just
20 ask that you hold your questions until the end,
21 because your questions may be answered, because I'll
22 be talking about terms, again, that are in the
23 Constitution, reflected in statutes, and, and in case
24 law.

25 So very generally, the US Constitution gives

1 power to the federal and state governments, but not
2 local governments, and local governments are created
3 by the states, and have only those powers that the
4 state governments give them. The, the powers that the
5 state governments give local governments vary, and
6 we're pretty unique. Most of the - many of the
7 functions that are traditionally performed by counties
8 on the Continent, for example, are performed by our
9 state. This includes administration of public
10 schools, courts. And the counties here, of course,
11 perform duties that are traditionally performed by
12 city governments on the Mainland. And interesting
13 notes, some fun facts - there are some states that
14 have no county governments - Connecticut and Rhode
15 Island. And when doing my research, I discovered
16 Louisiana calls their counties parishes, and Alaska
17 calls them boroughs.

18 Well, the types of governing power are one of
19 two types. And they are called the Dillon Rule, or
20 Home Rule. And Home Rule, as it sounds, gives local
21 governments governing authority to make a wide range
22 of legislative decisions that are not addressed by the
23 state.

24 And the - on the opposite end of the spectrum
25 is Dillon's Rule, which is that local governments can

1 get - can only legislate what has been explicitly
2 delegated to them by the state. And this rule comes
3 from a Justice of the Iowa Supreme Court, in a court
4 decision that was written many, many years ago. And
5 Justice Dillon said a municipal corporation possesses
6 and can exercise the following powers and no other -
7 which is those that are expressly granted by the
8 state, those are necessarily implied, or necessarily
9 incident to the powers expressly granted, those
10 absolutely essential to the purposes of the
11 corporation, and not just convenient, but
12 indispensable. And fourth, any fair doubt as to the
13 existence of a power that is resolved by the courts
14 against the corporation.

15 So you will hear the terms, Home Rule and
16 Dillon Rule many times and you'll see them come up in
17 conversations of the Constitutional Conventions when
18 talking about the powers that are granted to local
19 governments. Most states have a, sort of a
20 combination of Home Rule, Dillon's Rule, and as you
21 will see, that's kind of what we have here.

22 So, here's a little bit of history. There was,
23 of course, a Constitution for the Kingdom prior
24 territorial status. And even under that government,
25 government was generally centralized, and there were

1 no organized towns, cities, or counties. The Organic
2 Act of 1900 permitted the territorial legislature to
3 create counties, and town, and city municipalities
4 within the territory. So it was a few years later
5 that that happened by statute, in 1905, in the County
6 Act. And in 1907, the County of Honolulu was
7 converted to the City and County of Honolulu, and
8 we've kept those same municipalities to today.

9 So early Maui County government - in 1905, we
10 got the power to perform corporate functions. And the
11 legislative body of Maui County was originally the
12 Board of Supervisors, and the territorial government
13 conferred on the Board of Supervisors certain powers.
14 And so among those powers, the Board of Supervisors
15 was permitted to regulate by ordinance, police,
16 sanitary and other regulations not in conflict with
17 the general laws of the territory, or rules and
18 regulations of the Board of Health, and fixed
19 penalties for violations of such ordinances.

20 Years later, in 1911, the County Act was
21 amended to provide for at-large elections for Maui
22 County supervisors. And then in 1953, the number of
23 supervisors was increased from seven to nine, and one
24 of the Board of Supervisors was required to be from
25 Molokai, and one from Lanai. And then, when we had

1 the Charter of 1967, the Board of Supervisors was
2 changed - the legislative body was changed to what we
3 have now, the County Council. But it's interesting
4 that we still have nine council members, and still
5 have that rule despite several Constitutional
6 Conventions, and, and Charter Commissions about the
7 at-large vote, and representation from Molokai and
8 Lanai.

9 The first Constitutional Convention was set up
10 in 1950 to create what would eventually become the
11 State Constitution. They were given that power by the
12 US Congress, to start the process of statehood. And
13 the 1959 State Constitution permitted the legislature
14 to create political subdivisions, including counties,
15 and provide for the government thereof.

16 The local governments had the power to frame,
17 and adopt a charter within the limits prescribed by
18 law. But the taxing power was kept with the state,
19 and the state legislature apportioned state revenue to
20 the political subdivisions. And this section was
21 included in the 1959 State Constitution, and it's
22 still found in our Constitution, and says, in the
23 article about local government, that this article
24 shall not limit the power of the legislature to enact
25 laws of statewide concern. And I underlined statewide

1 concern because that term does come up again in case
2 law.

3 Now we move to the next Constitutional
4 Convention, and that happened in 1968. And the
5 important thing to note for this Constitutional
6 Convention, for purposes of local governments, is the
7 addition of the 'superior clause'. So just for
8 history, prior to 1968, it was only the City and
9 County of Honolulu that had a charter. And there was
10 a court case, Fasi versus City and County of Honolulu,
11 and in that case, the Hawaii Supreme Court held,
12 excuse me - that a charter, even if adopted under the
13 Constitution, is no more than a statutory charter,
14 meaning that if they - if the state legislature wanted
15 to change the powers, you know, they, they could do
16 so.

17 The 1968 amendments added a provision which
18 gave the county charters a higher status, so - that
19 couldn't be changed by the legislative body, but only
20 within a prescribed area. That is the executive,
21 legislative, and administrative structure organization
22 of the county. So this is referred as a 'superior
23 clause' or the 'supremacy clause', and all other
24 powers were delegated to the county is by the state
25 legislature. So that, other than that area, that

1 stayed the same.

2 So there were some attempts by the counties to
3 get more Home Rule provisions in the constitution, but
4 the 1968 Constitutional Convention left much of the
5 local government provisions in place from the 1950
6 Constitutional Convention, and so counties were not
7 granted residual powers. And the full taxing powers,
8 as of the 1968 Constitution, stayed with the state
9 legislature. And so this provision does - is still in
10 our constitution, and does come up again, so we'll
11 talk more about that later.

12 So let's move now to the next and final
13 Constitutional Convention, the 1978 Constitutional
14 Convention. And in that Constitutional Convention, a
15 lot of the delegates advocated for increased Home
16 Rule, for fiscal and planning powers to be moved to
17 the counties, away from the states. So the key
18 amendment that you should know about that happened in
19 1978 is the amendment that allowed the counties to
20 have the power relating to real property taxation.
21 And prior to this amendment, that was kept with the
22 state - although the county set local property tax
23 rates, the state made assessments, determined policy
24 and exemptions, and collected the money.

25 So there were other Home Rule suggestions,

1 including allowing the counties to levy their own
2 tourism tax, which sounds like a lot of fun, but that
3 wasn't included in the constitution. And as many of
4 you know, 1978 was our last Constitutional Convention.
5 We haven't had one in more than 48 years. Although it
6 has appeared on the ballots, the voters have not
7 approved another Constitutional Convention.

8 Okay, so we're going to move away from history
9 now, and go into what's currently in our State
10 Constitution. I'm going to focus specifically on
11 Article VII, because this is what deals with local
12 governments. This is not verbatim of what's there,
13 but it's an explanation of the six sections within
14 Article VII.

15 So Article VII defines the relationship between
16 the state and county governments. Section 1
17 authorized the state to create the counties, and grant
18 the counties the powers it deems necessary. And
19 although Article VII, Section 2 establishes the
20 counties' Home Rule powers, as we saw earlier, those
21 Home Rule powers are to the structure and organization
22 of county government. The constitutional - so the,
23 that - the constitution protects that against
24 legislative intrusion, and allows the state to enact
25 general laws allocating, and reallocating powers and

1 functions.

2 Section 3 was added by the 1978 Constitutional
3 Convention, as we just talked about. That's the real
4 property taxation powers. Section 4 is not really a
5 concern here, and relates to what the state
6 legislature can demand a county pay.

7 Section 5 was designed to prevent unfunded
8 mandates from the state government, although the
9 degree to which the state has to share in the costs
10 isn't mandated. And Section 6 - this is the one
11 that's been there since the 1959 State Constitution,
12 and it confirms that all powers conferred on the
13 counties do not restrict the power of the state
14 legislature to enact laws on state matters.

15 So I've bolded Section 2, 3, and 6 because this
16 is where most of the action happens, and so we'll be
17 talking about those again. But before we get there,
18 let's move now to some key statutes that you should be
19 aware of.

20 One key statute is HRS Section 46-1.5. And
21 this was enacted in accordance with Article VII of the
22 Constitution, and it allocates powers to the counties.
23 And the statute actually lists 27 separate topic areas
24 where the counties are expressly granted authorities.
25 And these powers --

1 MALE SPEAKER: Please enlarge the screen.

2 Please enlarge your screen.

3 KEOLA WHITTAKER: Can, can you not see the
4 presentation?

5 MALE SPEAKER: It's much too small, the text.
6 Enlarge - just a --

7 KEOLA WHITTAKER: Oh, okay.

8 MALE SPEAKER: -- that section.

9 KEOLA WHITTAKER: Let me see if I can - is that
10 better?

11 RICHELLE THOMPSON: In your upper --

12 MALE SPEAKER: Yeah, that's good.

13 RICHELLE THOMPSON: -- left hand corner --

14 MALE SPEAKER: Yeah. One more time. One more
15 time. It's good.

16 KEOLA WHITTAKER: Is that good?

17 MALE SPEAKER: Excellent.

18 KEOLA WHITTAKER: Okay. There's a lot of text
19 on this one. The, the other slides have less text.

20 But - where were we? Section 46-1.5 allocates powers
21 to the county. And those powers include, for example,
22 the power to purchase, lease, or hold real estate; the
23 power to contract; the power to regulate leasing and
24 rental conditions; the power to sue and be sued.

25 But the one that I wanted to point out, which

1 does get a lot of action, is the general police powers
2 of the counties. And this is granted in HRS Section
3 46-1.5, Subsection 13. So the text of Subsection 13
4 is provided in full there, and that gives the general
5 police powers. And then it, it qualifies that, says,
6 on any subject or matter not inconsistent with, or
7 tending to defeat, the intent of any state statute,
8 the statute does not disclose an express or implied
9 intent that the statute shall be exclusive or uniform
10 throughout the state. Again, this does come up again
11 through the - this is the state reserving its powers.

12 Now we move to Chapter 50. And this - we
13 talked a, a little bit about this last time, but we
14 talked about it within the context of the duties and
15 authorities of Charter Commissions. But there are a
16 couple of sections here that relate generally to the
17 powers of counties, and the state. So, HRS Section
18 50-10 provides that upon adoption, the charter shall
19 become the organic law of the county, and supersede
20 any existing charter and all the laws affecting the
21 organization and government of the county which are in
22 conflict therewith. So if you propose a new charter,
23 for example, and it gets passed, and it conflicts with
24 an existing ordinance, then, you know, you've
25 superseded that ordinance.

1 And then HRS Section 50-15 is again a
2 reservation of powers. And this is - you could
3 consider this a statutory, miniature supremacy clause,
4 and it was an enactment of what was contained in
5 Article VII of the Constitution - notwithstanding any
6 of the powers provided in Section 50, there is
7 expressly reserved to the state legislature the power
8 to enact all laws of general application throughout
9 the state on matters of concern and interest, and laws
10 relating to the fiscal powers of the counties, and
11 neither a charter nor ordinances adopted under a
12 charter shall be in conflict therewith. So that's
13 another supremacy clause - this one provided in a
14 statute, rather than the Constitution.

15 Now, there are other statutes, too many to go
16 over in one presentation, that also relate to the
17 powers of the county - (unintelligible) over the most
18 important ones. Some examples include eminent domain
19 powers, maintenance of parks, issuance of bonds,
20 duties and - duties and functions of police
21 commissions, etc. So if there are any proposed
22 changes to the charter relating to a specific County
23 department, it may be worthwhile to have a separate
24 presentation, or, or just to get advice generally on
25 state statutes that relate to that particular

1 department and its duties, because that may influence
2 how you draft your Charter amendment.

3 Now we'll go into case law that helps to define
4 some of the terms that we talked about earlier. The
5 first is the 'superior clause' - you'll recall that
6 from the 1968 Constitutional Convention. And one case
7 that deals with that is the HGEA versus County of Maui
8 case. And you'll recall that the Charter provisions
9 relating to the county's government - government's
10 executive, legislative, and administrative structure
11 and organization are superior to all legislative
12 enactments on the same issue.

13 Recall also that the, the Constitution, and
14 Chapter 50 HRS provides that the state legislature may
15 enact all laws of general application throughout the
16 state, on matters of statewide concern.

17 So this case related to aspects of the Maui
18 County Charter in 1978, that dealt with the structure
19 and organization of several departments, including the
20 Board of Water Supply, and Liquor Control Board. And
21 the question was, does state law preempt, preempt the,
22 the, the County Charter. And the Hawaii Supreme Court
23 observed that the delegates to the 1968 Constitutional
24 Convention which added the superior clause, intended
25 that the county charters acquire a statute which would

1 resist legislative interference in some areas. Those
2 areas affect the organization of government of the
3 county. The Court also observed that HRS Section 50-
4 10 was designed so that state law affecting the
5 organization or governmental structure of a county
6 would not invalidate conflicting charter provisions.

7 So they actually upheld much of what was in the
8 County Charter dealing with the organization of, of
9 the, of the county government. So some examples of
10 things that would be superior to legislation would be
11 the composition of the legislative body of the county,
12 term limits, qualification for department heads.

13 The Court also noted that the constitution
14 doesn't grant local governments complete Home Rule.
15 Counties are not permitted to adopt provisions that
16 conflict with issues of statewide concern. You see
17 that term come up again. And after an examination of
18 one of the standing committee reports of the 1968
19 Constitutional Convention, the Court held that the
20 final authority on all civil service and compensation
21 matters, which is one of the issues in this case,
22 those remain with the state legislature. So the, the
23 charter could not conflict with the, those state
24 statutes.

25 We're moving to another issues, which is

1 overlap versus preemption - meaning can a county
2 ordinance or a county charter overlap with state law,
3 or is it preempted?

4 So one case you should be aware about is the
5 Kunimoto v. Kawakami case. This is in 1976. I have a
6 little picture of UH Manoa, you may recognize there -
7 because this case related to the condemnation through
8 eminent domain, of lands that were designated for
9 residential use by the, the General Plan of the City
10 and County of Honolulu, and they wanted to use that to
11 expand UH Manoa. And so the people that were affected
12 sued. And the Court ruled that the counties may not
13 thwart the state's performance of its duties on a
14 statewide concern. And so they looked to see if this
15 was an issue of statewide concern, and they, they
16 observed that the Constitution provides that one of
17 the state's functions is to provide for the
18 establishment of a state university. So they saw this
19 as a issue of statewide concern, and this - and so the
20 county's designation of this as residential use was
21 overwritten by, by the state statutes.

22 Next key case you should be aware of is the
23 Richardson case. And this is in 1994. In this case,
24 the Supreme Court was asked to answer questions
25 certified to it by a federal court relating to a

1 Honolulu ordinance providing for the transfer of fee
2 simple interests of lease hold property to the people
3 that were leasing the condos.

4 Among other issues, the Court had to determine
5 when a municipal ordinance is preempted, pursuant to
6 46-1.5(13), if you remember that - that was the
7 general police powers with the reservation of rights.

8 So, you recall that counties are not allowed to
9 pass a law on the same subject matter as a state law
10 which contains an express or implied intent that the
11 statute shall be exclusive, or uniform throughout the
12 state. And the Court held in this case that a
13 municipal ordinance may be preempted by state law if
14 it covers the same subject matter embraced within a
15 comprehensive state statutory scheme, disclosing an
16 express or implied intent to be exclusive and uniform
17 throughout the state, or if conflicts with state law -
18 it's a direct conflict.

19 The test is referred to as the Richardson test,
20 or the comprehensive statutory scheme test. And so
21 you will see that term, comprehensive state statutory
22 scheme come up again. And the courts frequently treat
23 this test as involving several overlapping elements,
24 including showings that the state and local laws
25 address the same subject matter, and state law

1 comprehensively regulates that same subject matter,
2 and the legislature intended the state law to be
3 uniform and exclusive. And if all of the things,
4 things are true, then it's, then it's preempted by
5 state law.

6 On the same subject, we have a more recent
7 case, and this dealt with the, the GMO bans, which you
8 may recall. In this case, the Federal District Court
9 ruled that Maui ordinances banning GMOs was preempted
10 by federal and state law, and exceeded the county's
11 authority under the charter. So there's a couple
12 questions that the court asked. Are the - are the
13 Maui ordinances banning GMOs preempted by federal and
14 state law? To that, they said yes. And the Court
15 applied the comprehensive statutory scheme test from
16 Richardson, and asked - does the municipal ordinance
17 cover the same subject matter as state law? And since
18 it was agricultural, they said yes - they - yes, that
19 the state statutory scheme disclosed an express or
20 implied intent to be exclusive and uniform throughout
21 the state. And they answered that question yes. And
22 the Court noted that the state statutes don't have to
23 explicitly say that they're taking authority over from
24 the local governments on the issue, as long as it's
25 just implied.

1 And the second issue, they asked, do the
2 statutes exceed the county's authorities under the
3 charter? And they said yes. And this is interesting,
4 because the ordinance also violated Section 13-10 of
5 the charter, because the punishment exceeded a
6 thousand dollar per day limit. There's - and that
7 limit is still in the charter. It's something you
8 might want to consider.

9 Now, we'll move into a different issue, which
10 is the power of taxation. This is in Section 3 of
11 Article VII. You'll recall this was added by the 1978
12 Constitutional Convention.

13 So in this, Gardens of West Maui Vacation Club
14 v. County of Maui case, the plaintiffs challenged the
15 county's differential tax rate structure for real
16 property taxation. They claimed that the Constitution
17 and state statute relating to real proper taxes did
18 not grant the power to the counties to charge
19 different taxes based on the use of the property. And
20 the Court ruled that the 1978 Constitutional
21 amendments permit the counties to charge different
22 real property tax, based on use. The Court observed
23 that Article VII, Section 3 was expressly and
24 manifestly designed to transfer the county's broad
25 powers of real property taxation, and that the

1 proceedings of the 1978 Constitutional Conventions
2 also revealed that the purpose of the amendment was to
3 place the burden of the real property taxation system
4 at the county level. So, they held that the state
5 statute relating to real property taxation was
6 repealed by implication, due to the 1978 amendments to
7 the Constitution.

8 Also on the power of taxation, another key case
9 to be aware of is the Anzai versus City and County of
10 Honolulu case. So in this case, the state argued that
11 Honolulu lacked the authority to tax property that the
12 state leased, based on state law that was exempted -
13 that exempted such properties for property tax.

14 So of course, if, if properties that the state
15 was leasing was not taxed, then they could get a
16 better rate on their lease. And the state argued that
17 the statute overlapped with county regulations,
18 insofar that they both dealt with real property
19 taxation, but both can give - be given full effect,
20 because the, because the state statute deals with
21 matters of statewide concern, since they were the ones
22 leasing the property, and reserved those rights to the
23 legislature.

24 Well, the Hawaii Supreme Court disagreed, and
25 they ruled that the counties may tax real property

1 that is leased by the state, despite a state law which
2 exempted the state from - those lands from real
3 property taxation. And they ruled that the power to
4 tax real property encompasses matters of strictly
5 local concern, and this power included the power to
6 grant or repeal exemptions from real property
7 taxation.

8 So after the 1978 amendments, these exemptions
9 continued for another 12 years, and then the counties
10 changed those exemptions, and that's why this, this
11 case came up.

12 So another case dealing with the power of
13 taxation is a more recent case in Kauai. So in Kauai,
14 there was a voter initiative which wanted to amend the
15 County Charter to limit real property taxes. And the
16 Hawaii Supreme Court ruled that that - that they could
17 not change real property tax rules through a voter
18 initiative. And they looked at Article VII, Section
19 3, and that provides all functions, and powers, and
20 duties relating to the taxation of real property shall
21 be exercised exclusively by the counties.

22 So the question for the Court was, what does
23 'the counties' mean, within the Constitution? Does it
24 mean the people of a county? Or does it mean the
25 county government?

1 And the, the Supreme Court ruled that this
2 phrase, 'the counties' as used, after looking up what
3 the drafters meant, means local governments. It does
4 not mean the voters. And so, i.e., county councils,
5 and not the people of the county.

6 And finally, a more recent case, and we are
7 back on Maui. And the issue here was whether Maui
8 could have increased - the assessments, and have
9 special tax rates for properties that had a wind
10 turbine on them. So the county's argument was that
11 the wind turbine is a fixture, and they could tax any
12 fixture that - which included machinery or equipment
13 that increases the value of the underlying property.

14 But the Hawaii Supreme Court disagreed, thought
15 that was too broad, and was not a valid exercise of
16 the county's powers. So the Court said that the
17 Constitution does not the grant the powers to define
18 real property. So they looked at what the definition
19 of real property was in 1978, based on state statutes,
20 and the real property includes a fixed machine or
21 equipment whose use is necessary to the utility of the
22 land, and whose - or whose removal therefrom cannot be
23 accomplished without causing substantial damage to the
24 land. That definition of real property was different
25 from the county's definition of real property. And,

1 and so the Hawaii Supreme Court ruled that the
2 county's definition was too broad, broader than what
3 was provided in the, the 1978 amendment, and was not a
4 valid exercise of the county's power.

5 I'm going to take a break from case law for a
6 second, and talk briefly about areas of cooperation
7 and dual authority between the state and county
8 government.

9 So the way I've been talking about the various
10 governments, it's easy to think of them as a layer
11 cake. You have the federal government, the state
12 government, and the county government, and they each
13 are separated, and each part has their own
14 authorities. But really, in reality, the way it's
15 practiced now, it's, it's more of a marble cake, where
16 you have various areas of dual authority and
17 cooperation between the various layers of government.

18 And now that we're all thinking about cake,
19 we'll go over just generally some areas of cooperation
20 and dual authority that you should be aware of. So -
21 planning and zoning laws - you know, there's State
22 Land Use Commission, County Planning Departments,
23 boards, and commissions. Transportation - there are
24 multiple state and county departments and commissions.
25 Same with water, environmental laws, and public

1 safety.

2 So if you get into charter amendments on, on
3 these topics, just be aware that there may be some
4 state laws that play, but also, they're areas where a
5 state commission or a state department may have some
6 influence.

7 I want to talk about just two other issues that
8 you should be aware of and, and two cases that don't
9 fit neatly into the topics that we went over earlier.

10 So the first case is State v. Medeiros. And
11 the issue here was a two hundred dollar - a \$250
12 service fee that the City and County of Honolulu
13 charged criminal defendants for the costs of their
14 prosecution. They were really upset that the courts
15 were getting fees from these defendants, but those
16 fees were not going to the county, they were going to
17 the state.

18 So, so the county passed this, this ordinance.
19 And the, the Court looked to the powers that were
20 provided in the HRS Section 46-1.5(8), which gives the
21 counties the power to fix the fees and charges for all
22 official services not otherwise provided therefore.
23 So the question was, what constitutes a fee or a
24 charge, as distinguished from a tax?

25 Of course, Honolulu said, no, this was a, a, a

1 fee for the service of providing the prosecution. And
2 the Medeiros test, the, the test that, that the Hawaii
3 Supreme Court came up with had three prongs. The
4 charge is not a tax if it applies to the direct
5 beneficiary of a particular service; second, it's
6 allocated directly to defraying the costs of providing
7 the service; and third, is regionally - reasonably
8 proportionate to the benefit received.

9 They thought that, that the \$250 service fee on
10 criminal defendants passed the third test, because it
11 certainly costs more than \$250 to be prosecuted, but
12 didn't pass the first two, because it wasn't really a
13 benefit to the criminal defendants that they were
14 being prosecuted. And they compared it to not charges
15 to go into a zoo, but charging the animals for being
16 in the zoo. And so this ordinance was struck down.

17 The last case we're going to talk about is Maui
18 County Council versus Thompson. The Thompson there is
19 not Richelle Thomson, and there's no relation between
20 the two. This is a case from 1996, and this is an
21 interesting case because Governor Lingle and some
22 other officials were sued, both in their official
23 capacity, and in their individual capacity. The
24 Corporation Counsel at the time said, 'Hey, I can
25 represent you in your official capacity, but you have

1 to go and hire another attorney for those claims in
2 your individual capacity.' So they went ahead and did
3 that, and the Director of Finance at the time approved
4 a payment for these attorneys, without getting Council
5 approval. And so they went to court, and the, the -
6 those administrators said that it was implied, that
7 they had implied power to do so.

8 So the question was, does the Council's power
9 to hire and pay for special counsel by a two-thirds
10 vote imply the absence of such power in the Executive
11 Branch? And the answer was yes - the Executive Branch
12 did not have the, the power to hire special counsel
13 like they did in that way.

14 So the charter provided that the Council has
15 the power to retain or employ, by a vote of two-thirds
16 of its entire membership, special counsel for any
17 special matter presenting a real necessity for such
18 employment.

19 I just want to note here that this Section 366
20 has since been amended, so this is not the exact
21 wording of what's in the current charter, just - since
22 this may come up later, just wanted to note that.

23 And so the Court ruled that this does not imply
24 that the Executive Branch has the power to hire
25 special counsel without a vote of the Council.

1 Finally, we have a summary of what we talked
2 about, and this will sort of help guide you as you are
3 amending the charter.

4 The county only has the powers delegated to it
5 by the state. And that's done in two ways - the state
6 constitution, or by statute. The Constitution gives
7 the county home rule powers in two areas. One is the
8 structure and organization of the county government.
9 And the second is all functions, powers, and duties
10 relating to the taxation of real property. So the
11 rest of the powers that the county exercised are
12 powers that were granted to it by the - by statute.

13 The powers granted to the county do not limit
14 the power of the state to enact laws of statewide
15 concern. And to determine if a county ordinance is
16 preempted by state law, courts often apply the
17 comprehensive statutory scheme test that we talked
18 about earlier. And finally, you'll remember the
19 marble cake analogy - there are areas of dual
20 authority, where the county governments implement
21 state and/or federal regulation. And you know, this
22 may be an area for a future presentation, especially
23 if you're focusing on a particular department.

24 So, that is all I have. I'm happy to take any
25 questions. I will stop sharing my screen.

1 CHAIR COLLINS: Okay. Thank you.

2 KEOLA WHITTAKER: That's a lot to take in.

3 CHAIR COLLINS: Thank you very much. Before I
4 ask for any questions, I actually just want to note
5 one case that I had not mentioned to Mr. Whittaker,
6 and I apologize, is the Ruggle versus Yagong case, and
7 that was that the voters of Hawaii County had passed a
8 initiative saying that the prosecuting attorney and
9 the police would make marijuana law enforcement be the
10 lowest priority of law enforcement. And that was
11 struck down under the Richardson test as being a
12 conflict with state law. So that was another
13 Richardson, powers of the county versus the state.
14 But - okay. Do Commissioners have questions for Mr.
15 Whittaker?

16 COMMISSIONER CANTO: I have a question.

17 CHAIR COLLINS: Commissioner Canto?

18 COMMISSIONER CANTO: Okay. So this is under
19 power of taxation, your - there was a slide before
20 Article VII, Section 3, and you - Keola, you mentioned
21 something, and, and you put an emphasis on the
22 Commission should consider that. I am not quite sure
23 you meant. But I don't know what case it was because
24 we went - we had more after that. So this was the,
25 this was the slide just before Article VII, Section 3.

1 I mean, for the most part, you mentioned that we
2 should pay attention to basically all of them. But
3 there was a little bit of emphasis on that particular
4 case, and I, I just, you know --

5 KEOLA WHITTAKER: So --

6 COMMISSIONER CANTO: -- what --

7 KEOLA WHITTAKER: Yeah. I think maybe the --

8 COMMISSIONER CANTO: Oh.

9 KEOLA WHITTAKER: -- one you're talking about,
10 and I can pull up the slide if it's helpful, is the --

11 COMMISSIONER CANTO: Thank you.

12 KEOLA WHITTAKER: -- maximum fine, the thousand
13 dollar per day fine. Is that the one you were
14 thinking of?

15 COMMISSIONER CANTO: I think - yeah, I, I
16 believe so.

17 KEOLA WHITTAKER: Okay.

18 COMMISSIONER CANTO: Sorry.

19 KEOLA WHITTAKER: Sure.

20 CHAIR COLLINS: That's Section --

21 KEOLA WHITTAKER: I have two --

22 CHAIR COLLINS: -- 13-10 of the Charter.

23 KEOLA WHITTAKER: Yeah. I have two screens
24 going on here. Oh, that's the Ito case, yes.

25 COMMISSIONER CANTO: And it's only because you

1 had a little emphasis on, on that particular case that
2 we should --

3 KEOLA WHITTAKER: Sure.

4 COMMISSIONER CANTO: -- pay attention to.

5 KEOLA WHITTAKER: And, so I'll tell you the
6 reason - is this the one you were thinking of?

7 COMMISSIONER CANTO: Yes.

8 KEOLA WHITTAKER: So this - this is the part.
9 So the reason I, I emphasized that is because there
10 was this law that was struck down. It was struck down
11 for a couple of reasons. But one of the reasons, it's
12 stated, is that it violated Section 13-10 of the
13 Charter, because if you read that section of the
14 Charter, there is a cap on punishments. And I think
15 it's been there for quite a long time, and that is a
16 thousand dollar per day limit. So that means the
17 County Council is limited, when they pass ordinances
18 of whatever sort, to the thousand dollar per day
19 limit. There is one exception to that in Section 13-
20 10, but otherwise all laws have to follow that
21 thousand dollar per day limit. Just wanted to, to
22 highlight that for you, just in case, you know - it's,
23 it's, it's something that has come up in the past, and
24 a law was struck down because of it.

25 COMMISSIONER CANTO: Okay. Thank you, Keola.

1 Thank you, Chair.

2 CHAIR COLLINS: Commissioner DeLeon.

3 COMMISSIONER DELEON: I believe that, that
4 there was an effort to increase that amount, and it
5 was defeated by the voters in, in - in about - about
6 four years ago, maybe --

7 KEOLA WHITTAKER: Yeah, you're right.

8 COMMISSIONER DELEON: -- it's six years ago.

9 CHAIR COLLINS: Commissioner Deslauriers.

10 COMMISSIONER DESLAURIERS: Well, first of all,
11 Keola, thank you so much for this presentation and the
12 thoroughness of it. It certainly gave a great
13 perspective, especially going back to the history.
14 And I'm wondering if this will - this slide
15 presentation would be available to all the
16 Commissioners, because there's a lot of stuff that I
17 think that we could reference to at different points
18 in time. I certainly would like to have that
19 reference, so --

20 KEOLA WHITTAKER: Sure. I'll have Cory put it
21 on the website, and also send it out to you by email.

22 COMMISSIONER DESLAURIERS: Great. Thank you.

23 CHAIR COLLINS: Any more questions for Mr.
24 Whittaker?

25 COMMISSIONER PURDY: I've got one.

1 CHAIR COLLINS: Okay, Commissioner Purdy.

2 COMMISSIONER PURDY: So, a great presentation,
3 Keola. Since you talked about the history - I mean,
4 in 2019 and 2020, had Dr. Si (phonetic), who came and
5 did presentations at the Maui County Council. Has
6 your office been able to refute anything that he has
7 presented, especially when, when he talked about the
8 1800s, the Hawaii Kingdom? As I paid attention to it,
9 it kind of brought me back to when we were in school,
10 how quickly we would go over the Hawaii Kingdom, and
11 then jump into where we are today. So, that's my
12 question, just to - since it was brought up in the
13 slide.

14 KEOLA WHITTAKER: Right. I know who Cannon
15 (phonetic) Si (phonetic) is. My brother is very good
16 friends with him, but I'm not as familiar with the,
17 with those presentations, and whether we've looked
18 into it. I know he has presented, and I know the
19 general topic area, but I'm not informed enough to, to
20 respond to that. But I certainly didn't mean to, you
21 know, just bounce over what happened in the, in - you
22 know, during the Kingdom. And you know, one thing I
23 found interesting is in the 1850 Constitution, you
24 know, there wasn't really an emphasis on local
25 governments. And the reason that's interesting is

1 because these missionaries had so much influence on
2 that document, and they came from areas with these
3 strong local governments. So it's, it's interesting
4 to see the interplay. But I'm sorry, I can't respond
5 directly to your, to your question.

6 COMMISSIONER PURDY: Oh, no problem. I mean,
7 since we are a Commission that's, you know, thinking
8 outside the sandbox and knowing we learn a lot from
9 our history to move forward, you know, this would be a
10 great way - because these - education is being taught
11 at the colleges now, we've got young folk, young folks
12 coming out with that type of mindset, it'd be nice to
13 set up the Commission, moving our Charters forward, to
14 meet that level of citizenry that's coming down the
15 pike. That's really looking down to - so where we
16 all, you know, live in harmony. So that, that's my,
17 my only question. A great presentation - the - I'm a
18 history buff, so when you started back then, it really
19 caught my attention. Then we get into the court
20 stuff, and then I get a little lost. But it makes a
21 lot of sense.

22 KEOLA WHITTAKER: Yeah. It's interesting --

23 COMMISSIONER PURDY: Thank you.

24 KEOLA WHITTAKER: -- to see how much is the
25 same from, you know, 1905 to today. It's fascinating.

1 CHAIR COLLINS: Yeah. And I, I'll just note
2 that we are looking into having Kuhuluiiau (phonetic)
3 do a - do their in service, but for us specially, so
4 that's to be continued. When we get more information,
5 I'll definitely report that back to the Commission.

6 Any, any other questions for Mr. Whittaker?
7 Okay. I have one question, and this relates to the
8 HGA versus County of Maui case. In that case, the
9 Supreme Court said that civil service and compensation
10 laws for county employees was a matter of statewide
11 concern, and so it couldn't be in the charter. My
12 question, though, is - is that - has state law changed
13 now so that the counties do have some authority over
14 civil service laws, and compensation of employees?

15 KEOLA WHITTAKER: They, they do have some
16 authority. And I am not the expert on how those,
17 those laws have changed. My emphasis there was merely
18 to show what the Constitution provided, and the rest
19 is state statute. So if we wanted to look
20 specifically into state statutes, we can do that, but
21 - it's - I can't answer that question directly,
22 unfortunately.

23 CHAIR COLLINS: Thank you. Any final questions
24 for Mr. Whittaker before he leaves? Going once, going
25 twice. Okay. Well, you know his email, so if

1 anything comes up after now, please feel free to email
2 him. Thank you --

3 KEOLA WHITTAKER: Thank you.

4 CHAIR COLLINS: -- very much.

5 KEOLA WHITTAKER: I do have to leave the
6 meeting early, and I apologize --

7 COMMISSIONER BATANGAN: Thank you.

8 KEOLA WHITTAKER: So Richelle is going to be
9 performing the jobs of three people, so please be nice
10 to her.

11 CHAIR COLLINS: Okay. Thank you very much.
12 Okay. The next item is to go back to Item F,
13 consideration of a Charter Commission staff position,
14 Secretary, Community Outreach. And if you recall,
15 Commissioner Kuoha was charged with investigating this
16 matter with Commissioner DeLeon, and they would report
17 back. And there was some materials that were sent to
18 us. And in addition, Commissioner Deslauriers
19 independently also submitted some materials, as well,
20 that were sent to us by email, and I think are part of
21 the Board packet. So - Commissioner Kuoha, if you
22 would like to report back to us.

23 COMMISSIONER KUOHA: So I, I think - one thing
24 that became clear in even delving into the topic is
25 that we, as a Commission, we should probably discuss

1 our vision for community engagement before we decide
2 on hiring, because I think, you know, in speaking with
3 David, I, I think that there are at least two, if not
4 several more sort of approaches to community
5 engagement. I, I think that there is an approach that
6 the, the Commission, if I understand correctly, has,
7 has had, at least in the last Commission, if not
8 previous Commissions. You know, certain - it, it's, I
9 think a low cost approach. It, it puts out certain -
10 it's more of a publicist kind of approach to, to
11 reaching out to the public.

12 And then, the other side, or sort of the -
13 another approach is, is really getting - engaging
14 community in, in new ways, in, in ways related to
15 social media. But also in - I think it also involves
16 sort of a - it's not quite conversational, but it's -
17 there, there's a, there's a feedback loop within the
18 engagement that's, that's, I think a little bit
19 different.

20 So, so my main point is that I, I think that we
21 should discuss our preferred approach as a Commission.
22 The, the position description, as put forward,
23 encompasses a, a particular approach to community
24 engagement. And I don't want to assume that that's
25 the, the pleasure of the Commission that we take of

1 that more, sort of, in depth approach, because - yeah,
2 there's, there's other approaches.

3 To that end, I, I also shared with, with the
4 Commission a, a, a draft goal. You know, I, I think -
5 having high level goals, as well as three draft
6 objectives, and - just as maybe a starting point for
7 discussion, to hone in on, on what we're imagining the
8 work of this Commission might look like in the area of
9 community engagement, and also just a draft timeline,
10 just to give us a sense of how our work might be
11 organized, according to the objectives that I had
12 drafted.

13 So that's where I'm at. I, I, I think - I'm
14 not sure where to go with the conversation at that -
15 of those - of that broader scope, but I think it would
16 be helpful.

17 CHAIR COLLINS: Okay. So, on the agenda, we
18 have consideration of a staff position for community
19 outreach. So I think at this point, I will ask Deputy
20 Corporation Counsel Thomson to give us her opinion
21 regarding how broadly we can discuss and deliberate
22 between what's in Item F, and what Commissioner Kuoha
23 is proposing.

24 RICHELLE THOMPSON: Thank you, Chair, for the
25 question. In my opinion, because you're still

1 flushing out what that position would do, I think that
2 the goals of the position, you know, would be fair
3 game in terms of the discussion. And so I don't, I
4 don't think you need to limit it at this, this point.
5 But if I - if I hear anything veering off, I will
6 chime in.

7 CHAIR COLLINS: Okay. So would you recommend
8 that a motion be pending, regarding this new staff
9 position, and then have the discussion within that
10 motion regarding a staff --

11 RICHELLE THOMPSON: Well, if --

12 CHAIR COLLINS: -- position.

13 RICHELLE THOMPSON: Right - it's just the
14 pleasure of the body. In terms of the discussion, it,
15 I mean, it may be more fruitful to, you know, just go
16 ahead and kind of discuss the topic in general before
17 narrowing it down too much, but it's really up to the
18 body.

19 CHAIR COLLINS: Okay. Commissioner DeLeon?
20 Oh, you're on mute.

21 COMMISSIONER DELEON: There you go. So, Keoni
22 and I were going back and forth on it very briefly.
23 We only had like, less than week to, to play with it.
24 And, and pretty quickly, we seem to have two different
25 perspectives. His is much more comprehensive, and

1 that - and I think would be pretty expensive, and also
2 very kind of difficult to find that person, or
3 persons, or - I mean, we'd almost need a staff, to me,
4 to, do that kind of comprehensive approach. And,
5 yeah, I had some other issues.

6 But my, my - you know, I find myself in, in, in
7 - I'm, I'm the old school like Dick Mayer, so we're -
8 we automatically think about doing press releases to
9 the Maui News, and be done with it. But I - you know,
10 I looked at Mr. Deslauriers' - Commissioner
11 Deslauriers' proposal, and that, that's closer to, to
12 where I'm talking about. I mean, not so much, you
13 know, you go out to the, to the homesteads, or you go
14 out to Waiialua and talk to the ladies at the pool.
15 This is where you - you know, you, you reach - you use
16 the mass media to reach out. We have a very limited
17 timeframe, and I think the kind of concept that the
18 Commissioner Kuoha was talking about is something that
19 would work better with a Commission that had a longer
20 term, because it's going to take time to get it all
21 done, and set it up, and running.

22 Mr. Deslauriers' proposal is more
23 comprehensive. I, I'm personally leery of, of, of
24 the, the whole Facebook scene, because it's so snarky
25 and difficult to deal with sometimes. But if, you

1 know, if, if, if social media become - is - is a way a
2 lot of people communicate, so we have to use it. He
3 seems to be more knowledgeable about it than I am, and
4 it's - I was just wondering, though, I wanted to ask
5 him whether he thinks he could get a meme of Bernie -
6 of Bernie Sanders or not - because he was talking out
7 some memes. That's how - you know, if we can get the
8 Senator to chip in, that'd be great.

9 But anyway, yeah. So I'm, I'm thinking - when
10 I brought this thing up about PR, I was more like, for
11 this meeting, and just making sure that we had, we had
12 reached out to the community so that, that the people
13 in Central Maui would know that this was their day.
14 And you know, the timeframe's just not allowing,
15 because we're coming so fast.

16 So the next meeting, you know, we need to at
17 least get some old fashioned PR out. And, and I
18 think, I think Paul's approach to the, the, the PR -
19 it's, it's very professional looking, and it looks
20 like it would work well for us.

21 CHAIR COLLINS: Okay. Commissioner
22 Deslauriers.

23 COMMISSIONER DESLAURIERS: I just wanted to
24 just start off by just emphasizing I think, what Dick
25 Mayer said, how crucial it is that we have reaching

1 out, we get this participation. And it's very doable.

2 This - it's a whole different media realm in
3 the post pandemic world. Right now, we have, you
4 know, a, a tremendous emphasis on social media,
5 especially using Facebook. There's a - when we - I'm
6 the Director of the Maui Pono network. And just this
7 past year, we averaged over 30,000 Facebook hits per
8 month. So there are people who are utilizing this
9 platform, and, and really going at it. Same with
10 Instagram. So if you - especially if you want to get
11 people who are younger to come in and participate, I
12 think it's very important that we use these other
13 platforms. And it's not that big of a deal to do.
14 And I think that if we had someone who was talented,
15 who could come up with memes, who could come up with
16 different types of things - that we all could post
17 ourselves - I think we'd go a long way in
18 communicating to Maui citizens of their - to - for
19 them to participate. We really have to get the word
20 out, and I think that if we're very consistent, I
21 think there's some things that we can really do that
22 would be very positive.

23 Another thing, aside from the actual
24 advertising piece - I think we also have to have a way
25 of accepting and integrating the information. Right

1 now, we have a website that has a domain that's a
2 little bit difficult. And we could easily change that
3 domain, and have our own website for MauiCharter.org,
4 or dotcom - but make it very easy for people to
5 participate, and give their input.

6 And also, if we had information that was in
7 categories, so that when they do put in their
8 information, it's not scattered all over the place,
9 and makes it very difficult for us to really
10 comprehend the full scope of what's going on. But if
11 we had people go under different categories - like
12 Dick Mayer listed a lot of different categories. And
13 if we were to use some of those categories, for
14 example, that there was a dropdown menu, that people
15 could respond that, 'Okay, my comment has to do with,
16 you know, voting districts,' or something along that
17 line, then it would be a lot easier for us to do an
18 analysis of the information. We could say, '30% of
19 the people want to have three districts; forty - 50%
20 want, you know, nine districts voting.' So we could -
21 it's much easier, I think, in the long run, if you
22 start at the onset to disseminate the information so
23 that we can analyze it. If we have our own website,
24 and if we just did a simple thing with communicating
25 with memes, and getting the message out through the

1 newspapers and other forums, I think we'll find it to
2 be very effective in, in engaging the community.

3 Our website, last year, we had 128,000 hits on
4 our website. Again, that's just using this
5 conventional, you know, communication. So - that's my
6 comments.

7 COMMISSIONER DELEON: What is a meme?

8 COMMISSIONER DESLAURIERS: We'll, we'll show
9 you that shortly, if we have the slides, that we can
10 present. These are things that you can just cut and
11 paste. So - Lance - who --

12 CHAIR COLLINS: Do you - do you want to show
13 that now?

14 COMMISSIONER DESLAURIERS: Well - I guess in
15 the bigger discussion of things, maybe we should wait
16 until we, you know, get a little bit more clarity on
17 Keoni's proposal.

18 CHAIR COLLINS: Okay. Commissioner Canto?

19 COMMISSIONER CANTO: So for the, for the most
20 part, Keoni's, or Commissioner Kuoha's proposal, the
21 position description is pretty black and white. You
22 know, it's, it's - if we're going to get somebody
23 that's going to represent us, or help us through this,
24 you know, what we're expected to do - I see all of
25 this to - Keoni's proposal - to be part of what I

1 would expect out of, you know, out of an independent
2 contractor.

3 But then, I, I look at Paul's, and you know,
4 I'm old school myself. So if somehow these could both
5 work together, then maybe it, it could work. I'm sure
6 it could work. We're going to have to make it work
7 in, in such a short time that, you know, I'm sure that
8 both proposals are going to work for us.

9 They're - in Keoni's, on the third paragraph,
10 I, I want - it's a little challenging, and - so that
11 might put more work into the lap of our contractor, if
12 we decide to, to go that route.

13 So it's, it's still early for me to decide
14 until I, I, I hear from everyone and their comments,
15 as well, so I'll, I'll wait on that.

16 CHAIR COLLINS: Commissioner DeLeon?

17 COMMISSIONER DELEON: I'd like to see Paul's
18 slide presentation, but if, if we're going to have
19 this discussion first, let's do that. I'm, I'm
20 concerned about the, the, the more elaborate process
21 because of, of management, and, and objectivity, and,
22 and how - you know, this, this is a really not easy
23 position to fill, the way it's described here. You're
24 going to have to have somebody that has all the
25 journalistic skills to be able to do press releases.

1 You're going to have somebody who does the social
2 media skills that Paul's talking about. And you're
3 going to have to have somebody who's going to be able
4 to go into some very unique communities. I mean, are
5 we talking about somebody that's going to go talk to
6 the Micronesians? Or to the, to the, the immigrant
7 Filipinos in, in Kaluhui? Or - or - and not just
8 Native Hawaiians, but it's a broad spectrum of people
9 here. So the broader you make it, and the more
10 detailed you try to go, it's just - it's way deep.
11 And we're, we're talking about a very short frame.

12 And there might be some people that are really,
13 really interested in this topic. But you're going to
14 find that the majority of the folks out there, they
15 just want - they want to make sure their kids are
16 clean, and, and can go to bed after having a full
17 stomach, a, a full dinner, and, and, and get their
18 homework done.

19 So I mean - so it's - I don't know. I mean, I
20 don't think that this does - it's, it's too
21 comprehensive, and it's, too, too - too broad for -
22 without, without a really clear management, for me to
23 be able to, to, to handle Mr. Kuoha's proposal.

24 I, I, I - again, I do like the, the reach of
25 Paul's. I think it does the basic media issue of

1 reaching the community where they are. And, and, and
2 being 74, I have a problem sometimes with social
3 media, so I'm, I'm not a natural there. So - and we
4 need to have somebody that's more natural to that.

5 CHAIR COLLINS: Further discussion?
6 Commissioner Olson?

7 COMMISSIONER OLSON: Just really quickly, I
8 pulled up Facebook. And something like Maui Watch
9 Prime has 8300 members. Some are more snarky than
10 others, but an item posted to that reaches at least
11 5,000. Something like Maui 24/7 reaches about 130,000
12 people. No, they're not all Maui County residents.
13 But again, it's something where you, you've got,
14 you've got that. And that's - (unintelligible) I
15 understand it's not in your, your comfort zone, but
16 it's certainly simple, and has the potential to reach
17 thousands and thousands of people. The rest of it -
18 that's certainly not my area of expertise. But that's
19 a quick and easy starting point. Instagram, as well.

20 CHAIR COLLINS: Okay. Commissioner
21 Deslauriers?

22 COMMISSIONER DESLAURIERS: Keoni, I just had a
23 question - on Number Six, you have public opinion
24 research. Does that mean you're talking about polls
25 that you want to - that we, we should conduct?

1 Because I, I - it's a good idea, especially when we
2 start to, you know, clarify what we want to put, in
3 terms of the amendments. You're on mute, Keoni.

4 COMMISSIONER KUOHA: I think - I - you know, I
5 think that's a possibility. I, I - it, it really
6 depends. One of, one of the ways I was looking at
7 this was community - community engagement is a
8 specialized field. And if, if we as a Commission
9 agree on sort of our general desires and approach,
10 then, then I'm confident that there are professionals
11 and firms out there that can come to us with a
12 proposal, and even likely a dollar amount to that
13 proposal, and, and explain to us how they would
14 approach the challenge of reaching, reaching out to
15 Maui County voters.

16 So, so in, in one sense, I, I, I, I'm, I'm not
17 sold on polls. I do want to point out that I, I think
18 there is a difference, I - and, and Paul, from what I
19 - Commissioner Deslauriers, from, from what I can read
20 of your proposal, the communication is generally one
21 way, right? It's, it's, it's blasting out, putting
22 things out to people. And then the, the, the two-way
23 communication only happens through people's signing up
24 and testifying. I, I think with the, the broader
25 scope that I had put forward, there's opportunity for

1 surveys, there's opportunity for, for, for even - and
2 again, I'm not a professional in this field - but even
3 in someone's moderation of social media, there could
4 be opportunities for them to bring - to essentially
5 encapsulate the, the comments, and have that feedback
6 to us that we can see. Say, say we put out - we,
7 we're wondering about districting. And we want to put
8 it out into, into the community to get a, to get a, a
9 feel for how people feel about a - you know, the
10 current system versus, you know, single member
11 districts, versus three person districts. Right,
12 there's an opportunity there to put something out into
13 the public, and have someone moderate discussions,
14 and/or just have a simple survey that goes on to, to
15 a, a, a website, and shared with potential partners,
16 in order to give us a feedback loop.

17 So again, I, I think there's - the traditional
18 approach is very one-way. We're putting ideas out to,
19 to impact community thought, and waiting for them to
20 come back to us via testimony, as opposed to having an
21 opportunity to, to create a feedback loop more
22 regularly in our process, so that we can be informed
23 by what people are thinking and saying about, about
24 specific ideas. But yeah - did that answer the
25 question?

1 CHAIR COLLINS: Commission-- - Commissioner --

2 COMMISSIONER DESLAURIERS: Yes.

3 CHAIR COLLINS: -- Kapoi?

4 COMMISSIONER KAPOI: Hi. I just have a couple
5 of questions. And I have to apologize if this was
6 addressed earlier. But I think, you know, in, in -
7 whenever you're engaging community, or speaking on
8 behalf of an entity, the - like, words matter. So I
9 noticed that it would report directly to Corp.
10 Counsel. And whether they had the capacity to sort of
11 vet some of those messages, or even in the engagement
12 process, you know, through that dialogue, how, how
13 some of those responses could be - managed isn't the
14 right word, but I think tempered, so as not to render
15 opinions, so that it's unbiased, and that, you know,
16 certainly soliciting feedback is important and
17 necessary. But I guess, how that feedback and
18 response was managed, so that, to your point, does
19 have more of a loop factor to it.

20 The other part, too, and I wasn't quite sure
21 about budget, because I mean, this, this is, this is a
22 big - it's a big job, particularly if you start
23 getting into public opinion research. So I wasn't
24 sure what kind of budget was allocated to this
25 position. And it also seems like a bigger job than

1 one person.

2 CHAIR COLLINS: I think, to address your budget
3 question, the previous answer was that it's sort of
4 undefined. But I think if it becomes too big, that we
5 would have to go to the Council. The administration
6 would have to ask for a budget amendment if it was
7 still within this fiscal year, and/or we would have to
8 ask for there to be something in the budget, amend -
9 the, the proposed budget to be amended to include it,
10 to include amounts, because I think right now the
11 Mayor's budget doesn't include a position for social
12 media, or to conduct public opinion polls.

13 And I just want to get a confirmation, since
14 you're the expert in this, Commissioner Kapoi.
15 Generally, a public opinion poll survey that we're
16 used to, with like 500 respondents, etc., etc., that's
17 like - starts in the tune of 15 to \$20,000, right?

18 COMMISSIONER KAPOI: Oh, I'm certainly not an
19 expert on the surveying --

20 CHAIR COLLINS: Oh.

21 COMMISSIONER KAPOI: -- side, but, but
22 generally speaking, I think they're probably around
23 the 25 to 35,000, if you want to get --

24 CHAIR COLLINS: Ow.

25 COMMISSIONER KAPOI: -- 400 to 500 respondents.

1 CHAIR COLLINS: Okay. So, yeah, just wanted to
2 - I'm not - yeah, obviously, I didn't, didn't realize
3 it was that much, either, but just wanted to get a
4 baseline for everybody. Commissioner Batangan.

5 COMMISSIONER BATANGAN: I guess a couple
6 points. One to the last question that was posed.
7 The, the costs for a, a poll of 500 respondents, I
8 just want to note that it's not a - that's not a large
9 enough sample size for us to have meaningful data for
10 population of Maui County. Generally, you need to
11 poll a lot larger to have anything that you can
12 discern from it. And, and I, I'd have to go back
13 through, through my notes on what meaningful sample
14 sizes are for a population of, of this county. But
15 500 is not nearly enough.

16 And then I just - to the question of budget.
17 Do we envision this to - the - the - the idea of
18 having this be a, a, a multiple, or like a team
19 approach - do we have a certain personnel allocation
20 that we're restricted to? Because I am also very
21 concerned about, like, the secretary duties of our
22 secretary. You know, the initial agenda had duties,
23 such as preparing meeting materials, and postings, and
24 - that's a very different skill set that I think we
25 also need to address through the position that's been

1 afforded to us.

2 So I just wanted clarification that we are
3 allowed to not just change the job description, but to
4 change the number of people assigned to serve this
5 body.

6 CHAIR COLLINS: So I think the general answer
7 is that actually, the positions that are being
8 advertised, for Analyst and, and Corresponding
9 Secretary, are not within the merit-based civil
10 service system, to it's not a position that's been
11 allocated to us. It's actually an independent
12 contract service that's being provided by an, a third
13 party, and that's being funded presently, for at least
14 this budget cycle, to, to June 30th, if - or if there
15 isn't, maybe it's not going to start 'til July 1st,
16 through the, the general budget of Corporation
17 Counsel. But Deputy Corporation Counsel Thomson can
18 give more information with respect to that.

19 RICHELLE THOMPSON: Yeah, thank you. You, you
20 actually said it very - very well. So the current
21 budget that goes through June 30th, is 172,000. And
22 that includes approximately 100,000 for staff and
23 staffing positions. But you know, you also have
24 transcription of minutes, and you know, other, other
25 expenses. So it's not a lot of money, when you

1 consider some of, some of the things that you're
2 talking about. So you're right - the Chair is correct
3 that you probably would need to go and seek a budget
4 amendment to get additional funding.

5 The other thing with - just to toss this in
6 there while I'm speaking - this - I can tell already,
7 the, the magnitude of, of the skill set that you're
8 looking for is definitely not going to be a small
9 purchase, so it won't fall under the threshold of
10 25,000. So you'd need to go with an RFP, which takes
11 about a - you know, it takes a minimum of 30 days, but
12 you're really looking at more of a 45 to 60 day
13 window, once you have your documents, you know,
14 prepared to go out to bid.

15 FEMALE SPEAKER: Hmm.

16 CHAIR COLLINS: Yeah. And then actually one
17 other note - this is not legal - is that, yeah, if, if
18 we're going to do public opinion surveys, I, I should
19 say that I think the general rule is that a sample
20 size of 500 is basically, has a margin error of, of
21 5%. But every percent that you want to get down so
22 that the margin of error is smaller, the sample size
23 basically increases exponentially. So, in order to
24 get down to like a 1% margin of error, you have to
25 have like, 10,000 people, or - I, I'm, I'm

1 exaggerating slightly, but it's a huge number of
2 people that I, I don't know - I mean, they do national
3 surveys with a thousand, a thousand people and the
4 margin of error is relatively small. So it's -
5 there's a formula for it. But I, I think most Hawaii
6 polls, and, and maybe (video cuts out) most polls in
7 Hawaii, especially if it's at the county level,
8 usually pick, like 400 or, or 500 - 450 to 500 people
9 as a sample size, because for most purposes, it's not
10 necessary to, to get more precise than, you know, four
11 to five percent margin of error.

12 COMMISSIONER KAPOI: And budget --

13 CHAIR COLLINS: But I --

14 COMMISSIONER KAPOI: -- constraints.

15 CHAIR COLLINS: And budget constraints, too.
16 That's right. Okay. Commissioner DeLeon, you had
17 your hand raised.

18 COMMISSIONER DELEON: So meanwhile, the clock
19 is ticking. And we're going to have a meeting in six
20 - in, in two weeks, and we had like zero, almost zero
21 publicity for this one, so we, we missed Central Maui
22 on this shot. And it, it's - rather than having a,
23 you know, rather than getting a, a, a - you know, a
24 BMW, let's get a Ford and get going.

25 CHAIR COLLINS: Yes, and also --

1 COMMISSIONER CANTO: I have a Ford.

2 CHAIR COLLINS: -- actually, also to clarify.
3 This position which is being proposed in this agenda
4 is, is separate from the Corresponding Secretary
5 position. This would actually be --

6 MALE SPEAKER: Um-hmm.

7 CHAIR COLLINS: -- not a position, but it's
8 actually asking for an individual or company to
9 provide services, separate from the Corresponding
10 Secretary - because those, I think are already out,
11 and they're - and that those requests for services are
12 going to close in like, the next 10 days.

13 Commissioner Batangan.

14 COMMISSIONER BATANGAN: But we didn't - I don't
15 remember approving those job descriptions at the last
16 meeting. I thought we punted it to this meeting so
17 that we could discuss additional duties. So these
18 are, in fact, distinct job descriptions in both
19 things.

20 CHAIR COLLINS: My recollection was that, with
21 virtually no debate, we did approve the two - the
22 Analyst and the --

23 COMMISSIONER BATANGAN: Oh --

24 CHAIR COLLINS: -- Secretary --

25 COMMISSIONER BATANGAN: -- I apologize.

1 CHAIR COLLINS: -- position, and that we
2 basically punted this position, or this, this group of
3 services --

4 COMMISSIONER BATANGAN: Okay.

5 CHAIR COLLINS: -- and what the duties were to
6 this one, and had Commissioner Kuoha and Commissioner
7 DeLeon to discuss possible job descriptions and, and
8 so forth, which was what was provided as part of the
9 Board packet from Commissioner Kuoha.

10 COMMISSIONER BATANGAN: Thank you. That, that
11 makes it much clearer.

12 CHAIR COLLINS: Yeah, it was at the end of the
13 meeting, and I think everybody wanted to be done at
14 that point. So I, I think that was - it sort of slid
15 through quickly. Yeah. Commissioner DeLeon, you also
16 had your hand raised.

17 COMMISSIONER DELEON: There will be a poll, and
18 it's going to be called the general election.

19 CHAIR COLLINS: Yeah. Okay. Well, we didn't
20 have a motion, so we were - this was just a general
21 discussion. But I think at this point, if we're going
22 to take action today, that there needs to be - we at
23 least need to have a motion to start working with. So
24 if somebody would like to make a motion to have us
25 take some action which, at least on the agenda, has to

1 be limited to consideration of a Charter Commission
2 staff position, please, please feel free to make that
3 motion. Okay. Commissioner Deslauriers.

4 COMMISSIONER DESLAURIERS: Well, I'm not going
5 to put it in legalese, but I think that to have a
6 consultant, which would go under that \$25,000 range,
7 'til the end - what's it - it's June, when they'll,
8 they'll be another budget allocated? You know, at
9 least we have an interim time period where we could
10 hire someone to start fairly soon, so we can really
11 get this thing moving in a positive direction. That's
12 - so --

13 CHAIR COLLINS: Okay.

14 COMMISSIONER DESLAURIERS: So, if you want to
15 make that as a motion.

16 CHAIR COLLINS: Sure. So you're moving to
17 approve a request for services to somebody to do
18 outreach.

19 COMMISSIONER DESLAURIERS: Yes.

20 CHAIR COLLINS: Oh, community outreach. Okay.
21 Is there a second?

22 COMMISSIONER CANTO: I'll second. For the
23 purpose of --

24 CHAIR COLLINS: Okay, seconded by Commissioner
25 Canto.

1 COMMISSIONER CANTO: -- discussion, I'll
2 second.

3 CHAIR COLLINS: Yeah. Okay. Go ahead.

4 COMMISSIONER CANTO: So he did mention - he
5 threw out a number, 25,000. Is that going to be part
6 of the motion?

7 CHAIR COLLINS: He said under 25,000. So it -
8 I think it's just left --

9 COMMISSIONER CANTO: Under --

10 CHAIR COLLINS: -- defined.

11 COMMISSIONER CANTO: -- 25,000?

12 CHAIR COLLINS: Yeah.

13 COMMISSIONER CANTO: Okay. Okay. Thank you.
14 Yeah, I'll second. Thank you.

15 CHAIR COLLINS: Okay. Commissioner Batangan?

16 COMMISSIONER BATANGAN: So the motion on the
17 floor is a temporary position through June, but we
18 have to rehire them again after June?

19 CHAIR COLLINS: You know, perhaps we can get
20 some clarification from Deputy Corporation Counsel
21 Thomson, because I - I'm - I don't fully understand,
22 because we're - it's not a position. It's a - we're
23 contracting for services. I don't quite understand
24 how exactly that works, and what the - I think what
25 the dollar amount thresholds are, and how that applies

1 to the fiscal year.

2 RICHELLE THOMPSON: Yeah. So the - in terms of
3 when the position would need to, to - or when the job
4 duties end, I'll say, would need to end, it, it
5 wouldn't need to end on June 30th. June 30th is
6 important because we just have 172,000 total in the
7 pot of money allocated to the Charter Commission at
8 this point. So just keeping in mind, you know, the -
9 you've got an Analyst position, a kind of Board
10 Secretary position, and then the Community Outreach.

11 Certainly, if you kept it under 25,000 - and
12 that's - the reason the 25 is a magic is that's a
13 small purchase threshold. And what that allows you to
14 do is procure by going out and soliciting quotes,
15 rather than publishing a request for proposals,
16 invitation for bids that has to go, you know, onto the
17 County's website, and get procured through, you know,
18 in the, the standard means. And that process takes -
19 bids are normally open for 30 days, and then, you
20 know, they'd have to come back to you. So that's why
21 I was saying, you know, for a higher - the larger
22 project that you're talking about with higher, higher
23 dollars, would probably fall into the proposals
24 category, and the time frame on that is 45 to 60 days,
25 probably minimum, and that's doing a lot of work real

1 quick.

2 CHAIR COLLINS: Okay. So two, two follow-up
3 points. One is to - the - is somebody - no. So the
4 first point is, to the extent that some of the money
5 for this is going to go to pay places like Facebook
6 and Instagram to do advertising - is that something
7 that would be included in that dollar amount? Or is
8 that something that can be separated?

9 And then the second issue is, if we do a under
10 \$25,000 procurement for a position now, are we then
11 prohibited later from including additional money,
12 because it would be some kind of segmentation, or
13 trying to get around the dollar threshold, in terms of
14 the process?

15 RICHELLE THOMPSON: Yeah - those are good
16 questions. So in terms of basically finding extra
17 money, what I would say is that, you know, because
18 we're getting pretty far into the fiscal year being
19 closed, I would just count on having the piggybank
20 right now of 172,000, that you need to draw from. We
21 can go for a budget amendment to request additional
22 funds, you know, and I'm happy to work on that for
23 you, if that's necessary. It does sound like it would
24 be necessary if you're looking at doing this larger
25 public outreach, because it, it - there are a lot of

1 components to it. So we'd need to give some thought
2 to what we think that would cost - potentially around
3 100,000, 150, maybe, you know, just as a kind of round
4 number.

5 And secondly, I don't believe - I don't believe
6 that we would have a problem with that, you know, if
7 we're looking for - it sounds like you're just looking
8 for someone to get some things started right now, but
9 that you would be going out with a, you know, a - more
10 of a full-blown request for proposals for the larger
11 job. So there may be some discrete things that you
12 want done now, kind of thing. But I can - I'll keep
13 that in mind, and help you navigate that process.

14 CHAIR COLLINS: Okay. Commissioner Mardfin,
15 followed by Commissioner Kuoho, then Commissioner
16 DeLeon.

17 COMMISSIONER MARDFIN: I've done a bunch of
18 political polling in the - my far distant past, and
19 worked on a, a whole different - range of different
20 types of polling. But the main thing is, you gotta
21 know what you want to get. I mean, I, I don't think -
22 besides the 11 of us, I don't think there are more
23 than a half dozen people in the county that have any
24 clue as to what this is all about. And if you ask
25 people questions about something they don't know

1 anything about, you're going to get garbage in,
2 garbage out. Can - if somebody is in - I, as I say,
3 ire ally do love polling, but I don't think that our
4 needs are for polling at this point. Could somebody
5 that's in favor of this - having polling - give me two
6 questions that you would ask, that you would ask, so I
7 have a sense of what you're thinking about.

8 CHAIR COLLINS: So I, I think at this moment,
9 what's - the motion that's on the table doesn't
10 actually, doesn't actually include public opinion
11 polling, at the moment, at least. I this is just
12 related to somebody doing community outreach, in terms
13 of publicity, and getting people interested in being
14 involved. But I could be wrong. Okay. Commissioner
15 Kuoha, and then Commissioner DeLeon.

16 COMMISSIONER KUOHA: I had a question for
17 Corporation Counsel, in terms - or actually maybe
18 others might also know. In terms of requests for
19 proposals, is it - is it - can we put out a request
20 for proposal, and then look at the - what people bring
21 back and say, 'No, none of that is what we want to
22 do'? I mean, or is - is that bad form? You know,
23 like - and, and the reason I ask that is because I, I
24 don't feel qualified to, to discuss the intricacies
25 of, of community engagement. I, I - you know, we're

1 talking about polling, and, and I, I think people,
2 various people have backgrounds in, in different types
3 of polling. I, I'd like to distinguish that from
4 other types of surveys that, that aren't - you don't
5 come back with qualitative data, you come back with -
6 or excuse me, you don't come back with quantitative
7 data, you come back with qualitative data, so it's not
8 going to be necessarily representative of what people
9 think, but we'll get individual ideas, just as we do
10 in testimony.

11 But my main question is, you know, is, is that
12 unheard of? Is that a regular practice - you put out
13 a, a RFP, people or organizations come with proposals.
14 And as a, a Board, or a Commission, or even the County
15 looks at the proposals and says, 'Actually, none of
16 these really align with what we want. Do you - you
17 know, this isn't really what we want.' Is this --

18 CHAIR COLLINS: There's no - we're not bound to
19 hire anybody, if we don't, if we decide to cancel the
20 procurement.

21 COMMISSIONER KUOHA: But is it also just bad
22 form? You know, maybe the professionals on here could
23 also speak to that, but I, I just - yeah, I'm just
24 wondering.

25 COMMISSIONER KAPOI: As someone who's been -

1 who's lost several RFPs, not bad form at all.

2 RICHELLE THOMPSON: And then, also if I could
3 speak on - Commissioner Kuoha's - your proposal,
4 actually, is fairly well fleshed out in terms of, you
5 know, the bones of an, of an RFP. So it, it does
6 offer a lot of detail, in terms of the scope of
7 services that you're looking for.

8 CHAIR COLLINS: Okay. Commissioner DeLeon?
9 Oh, you're muted.

10 COMMISSIONER DELEON: So a point of reference,
11 the publicist position I was thinking of, \$25,000
12 would be luxurious.

13 CHAIR COLLINS: So, I guess --

14 COMMISSIONER DELEON: It'd be more than
15 adequate.

16 CHAIR COLLINS: Yeah. So I guess that actually
17 goes back to the question that I'm not sure that I
18 understood what the answer was from Corporation
19 Counsel. If, if we were to pay for social media
20 companies to basically boost our content, is that
21 something that is included in the dollar amount
22 threshold, or is that something that is separate from
23 the - because it's, it's luxurious if you're paying
24 somebody \$25,000 to do something, and it's not so
25 luxurious if you're paying them 5,000, and they're

1 paying Facebook and Instagram \$20,000 an ad. So --

2 COMMISSIONER DESLAURIERS: Yeah. It's not
3 going to happen.

4 RICHELLE THOMPSON: Yeah. Right. I think that
5 the advertising would be a separate expense, you know.
6 So, you know, they would, they would obviously have a
7 budget and be answerable to you in terms of what
8 that's - you know, not a free checkbook kind of thing.
9 It could be separate from the services. Their
10 services would be - I understand it - organizing,
11 organizing and putting the word out there, but not
12 necessarily creating the messages, or creating them.
13 They would have to be subject to your approval, too.

14 Just because we're on the social media kind of
15 subject - one of the things that we just have to kind
16 of keep in mind is that all of the records that you're
17 creating, whether they're electronic, you know, social
18 media posts, all of that stuff, they are government
19 records because you are a government agency. So, you
20 know, that's one of the things, too, that we just need
21 to keep in mind that there are certain protocols, you
22 know, of freedom of speech and things like that, that
23 we, you know, can't censor speech on web platforms.
24 So the person that, that you'd want to retain should
25 have some awareness of, of those kinds of limitations,

1 too.

2 Just one - I'm sorry - I'm not going to hog up
3 the, the time here. But just to make sure that before
4 you get to voting, I just want to make sure that you
5 have a, a fairly clear list of the types of
6 qualifications that you're looking for, so that we can
7 put together something and get it out quickly.

8 CHAIR COLLINS: Yeah. So at some point before
9 the final vote, if somebody who is in support of this
10 motion wanted to make a motion to amend the main
11 motion, to adopt some, all, or some alternative to
12 Commissioner Kuoha's basically job description, that
13 would be very useful. Commissioner Batangan, and then
14 Commissioner DeLeon.

15 COMMISSIONER BATANGAN: So we have a hundred,
16 seventy - I think she said two - dollars budgeted at
17 the moment, about a hundred of which is for staffing.
18 Do we know how much is committed to the Researcher and
19 Secretary position at the moment?

20 CHAIR COLLINS: I believe that of that 172,000,
21 we have 24,000 is going to the Analyst, 12,000 is
22 going to the Corresponding Secretary, and then the
23 rest of it is earmarked for transcripts - at least at
24 that - if I understood from the last meeting, that's
25 how the breakdown of the money is going so far. But

1 maybe Deputy Corporation Counsel Thomson has some more
2 precise information.

3 RICHELLE THOMPSON: I can take a look quickly
4 at our budget detail, but I believe that you're
5 accurate on that, yeah. Unfortunately, transcription
6 is very, very expensive, you know. And, and that is
7 one of the things that, you know, I - we talked about
8 it. Verbatim minutes are not required, but it is, you
9 know, it is very handy to be able to look at
10 legislative history, and read verbatim minutes. You
11 know, I do it all the time.

12 CHAIR COLLINS: Commissioner DeLeon?

13 COMMISSIONER DELEON: That's why I'd like to go
14 back to Paul's proposal. I think it kind of outlines
15 it all really well. And I don't know whether that's
16 on the record or on the, on the agenda or not. But it
17 was like - it was a list of, of applications, and the
18 responsibilities that, that this person would perform.
19 And I, I think that works. I mean - because it - it
20 does, does some of the old school stuff, like, like
21 Dick and I would like to have. And then, and then
22 there's the social media stuff. And then there's
23 Bernie Sanders, too.

24 CHAIR COLLINS: Okay. Commissioner Olson.

25 COMMISSIONER OLSON: I, I do apologize. I was

1 under the impression that what had been moved forward
2 was Commissioner Kuoha's outline, as opposed to
3 Commissioner Deslauriers'. Did I just miss that,
4 'cause it's been a long day?

5 CHAIR COLLINS: Yeah. So the motion actually
6 was more general, and didn't put in job description
7 for anything. It was just that there would be a -
8 services for community outreach, like a Community
9 Outreach Secretary in an amount not to exceed \$25,000,
10 or less than twenty - sorry, less than \$25,000. That
11 was the motion, and it was seconded for discussion by
12 Commissioner Canto. So the --

13 COMMISSIONER OLSON: Okay.

14 CHAIR COLLINS: -- having a job description,
15 which is what the Deputy Corporation Counsel indicated
16 would be helpful, to then immediately be able to
17 advertise the position - she is requesting that if we
18 do approve this motion, to include a - some kind of
19 job description, so that they can immediately
20 advertise it.

21 COMMISSIONER OLSON: Okay.

22 CHAIR COLLINS: But presently, we don't have
23 that. So someone would have to make a motion to amend
24 the main motion to include some kind of job
25 description.

1 COMMISSIONER OLSON: So I would like to amend
2 this motion to include not necessarily a job
3 description per se, but more of a task list that would
4 be inclusive of what Commissioner Deslauriers
5 included, which was produce 30 and 60-second videos,
6 providing eight memes, five radio spots, a poster, a
7 website that organizes community input, perhaps
8 through Mauicounty.gov, and five writeups for a
9 newspaper - so that it, it --

10 COMMISSIONER DELEON: Second.

11 CHAIR COLLINS: Okay.

12 COMMISSIONER OLSON: (unintelligible)

13 CHAIR COLLINS: Seconded by --

14 COMMISSIONER OLSON: (unintelligible)

15 CHAIR COLLINS: -- Commissioner DeLeon.

16 COMMISSIONER OLSON: (unintelligible)

17 COMMISSIONER DELEON: Yes.

18 CHAIR COLLINS: Okay. Go ahead, Commissioner
19 Olson.

20 COMMISSIONER OLSON: Sorry, I just went into a
21 fugue state for a second there.

22 CHAIR COLLINS: Oh.

23 COMMISSIONER OLSON: So - yeah, that, that,
24 that's - that - just, it, it makes sense to do
25 something as expeditiously as possible. And while

1 that might not be exactly what we want for the long
2 term, we have a really immediate short term need that
3 this motion to amend, the main motion addresses and
4 gets moving.

5 CHAIR COLLINS: Okay. Further discussion on
6 the motion to amend to include the task list that was
7 submitted by Commissioner Deslauriers? Okay. No
8 further discussion.

9 COMMISSIONER BATANGAN: Actually --

10 CHAIR COLLINS: All those in favor --

11 COMMISSIONER BATANGAN: Sorry, I --

12 CHAIR COLLINS: Commissioner Batangan?

13 COMMISSIONER BATANGAN: Can you clarify -
14 sorry. So the main motion and the amendment - can you
15 clarify --

16 CHAIR COLLINS: Sure.

17 COMMISSIONER BATANGAN: -- what each of them
18 are?

19 CHAIR COLLINS: So the main motion is to have a
20 community outreach, get the community outreach
21 services in an amount less than 25,000.

22 COMMISSIONER BATANGAN: Okay.

23 CHAIR COLLINS: The amend-- - the amendment
24 which is currently on the floor is to include the
25 following tasks to produce a 30-second and 60-second

1 video, provide eight approved memes, produce five
2 radio spots - several translated, design a poster for
3 stores, set up a website that organizes community
4 input, five writeups for a newspaper. That's --

5 COMMISSIONER OLSON: And, and if we may, we --

6 CHAIR COLLINS: And that's the amendment.

7 COMMISSIONER OLSON: Let's set those as
8 minimums.

9 CHAIR COLLINS: As minimums - yeah. That's a
10 task list as, as a minimum.

11 COMMISSIONER BATANGAN: Yeah. And for RFPs,
12 that's sufficient? We don't need the qualifications
13 list as, I think, say, Commissioner Kuoha's proposal
14 has?

15 CHAIR COLLINS: So --

16 COMMISSIONER BATANGAN: And do we need --

17 CHAIR COLLINS: -- because it's --

18 COMMISSIONER BATANGAN: -- to have more, or is
19 it sufficient as it is, to send out an RFP, I guess is
20 what I'm trying to get at.

21 CHAIR COLLINS: Yeah. So, because it's a - it
22 would - because the services are under \$25,000, it, it
23 apparently is considered to be a small purchase, and
24 so it doesn't - it's not required to go through the
25 RFP process. So it would be similar to how we are

1 trying to obtain the services of the Analyst and the
2 Secretary. And Deputy Corporation Counsel Thomson has
3 additional information for us.

4 RICHELLE THOMPSON: If you do have
5 qualifications that you want to include in the ad, it
6 may help, you know, narrow down the experience level
7 of the person or persons that could fit these, you
8 know, do these tasks. So I, I would recommend that
9 you do ask for their experience level
10 (unintelligible).

11 CHAIR COLLINS: Yeah. So if, if that is the
12 case, I will not entertain an amendment to the motion
13 to amend. Instead, I would ask that you make that
14 motion after we decide this motion - this amended
15 motion so that we don't have like a matryoshka doll of
16 motions to keep track of. So --

17 COMMISSIONER CANTO: (unintelligible)

18 CHAIR COLLINS: Okay. Commissioner DeLeon.

19 COMMISSIONER DELEON: Do we have to do a - do
20 we have to do the, the, the job description tonight?
21 Can we do it like, tomorrow, or the next day? You
22 know -

23 CHAIR COLLINS: It would be --

24 COMMISSIONER DELEON: And just --

25 CHAIR COLLINS: -- at the --

1 COMMISSIONER DELEON: -- do it in an organized
2 manner.

3 CHAIR COLLINS: If we don't decide - if we
4 don't decide tonight, it would be at the net meeting -
5 in two weeks.

6 COMMISSIONER DELEON: Well, even then, I mean,
7 it's going to be - we're still working through Maui
8 County, so it might not even be a month out. But I
9 mean, just the reality of trying to write a job
10 description right at this moment would be daunting.

11 CHAIR COLLINS: Um-hmm - quite possibly,
12 although presently, the motion before us is to amend
13 the main motion to include the task list from
14 Commissioner Deslauriers' writing. So --

15 COMMISSIONER DELEON: And I seconded - so I
16 agree with that. That's a - that's a place --

17 CHAIR COLLINS: Yeah.

18 COMMISSIONER DELEON: -- to start.

19 CHAIR COLLINS: Okay. So if there's no further
20 discussion on the motion to amend, why don't we take a
21 vote on that, and go back to the main motion, which is
22 what it sounds like you want to talk about. Is there
23 any further discussion on this amendment? Okay. All
24 those in favor, signify by saying Aye, and raising
25 your hand.

1 (Chorus of Ayes)

2 COMMISSIONER PURDY: Sorry, I'm driving home
3 right now.

4 CHAIR COLLINS: Okay.

5 COMMISSIONER PURDY: Right.

6 CHAIR COLLINS: No worries.

7 COMMISSIONER PURDY: Yeah - Aye.

8 CHAIR COLLINS: All those opposed? None?
9 Yeah. As long as you're not using your hands, no
10 problem. Okay. The motion passes. So now we're back
11 to the main motion of requesting services of community
12 outreach less than 25,000, that includes the minimum
13 task list that was just approved. Commissioner Olson?

14 COMMISSIONER OLSON: I would like to further
15 amend the existing motion, to include that the person
16 we are seeking should have a proven ability to utilize
17 social media, all major platforms, as well as
18 traditional media outlets.

19 CHAIR COLLINS: Okay.

20 COMMISSIONER OLSON: I'm guessing that --

21 COMMISSIONER DELEON: Second.

22 COMMISSIONER OLSON: -- Commissioner
23 Deslauriers might have a much more robust description
24 than that.

25 CHAIR COLLINS: Sure. Okay. And was - is

1 there a second? I'm sorry - I was trying to write
2 down everything --

3 COMMISSIONER DELEON: Yeah, there was.

4 CHAIR COLLINS: -- that was - okay, second by
5 Commissioner DeLeon. So we have a motion to amend the
6 main motion to include a minimum qualification of
7 proven ability to work in social media and all major
8 platforms, including traditional media. Commissioner
9 Deslauriers.

10 COMMISSIONER DESLAURIERS: I, I, I - the
11 qualifications that Keoni had put together, I think is
12 very comprehensive, and would certainly meet the
13 objectives of having a consultant, initially. So I, I
14 would say that if we, if we needed to have
15 qualifications, Keoni fleshed it out.

16 CHAIR COLLINS: Okay. Commissioner DeLeon?

17 COMMISSIONER DELEON: They're too deep. That's
18 way too deep for what we're talking about.

19 COMMISSIONER DESLAURIERS: Okay.

20 COMMISSIONER DELEON: I mean, you're gonna be
21 handcuffing yourself. You're going to have a hard
22 time finding that person, with this kind of price tag,
23 with those kind of qualifications. I mean, this is
24 somebody who's pretty - this is a, a Superman of
25 community, community outreach. I mean, good luck

1 getting that for a couple thousand dollars. I mean,
2 really - seriously.

3 CHAIR COLLINS: Or Superwoman. Okay. Further
4 discussion?

5 COMMISSIONER DELEON: Superperson. Superperson
6 - sorry.

7 CHAIR COLLINS: Further discussion on the
8 motion to amend, to include some minimum
9 qualifications? Okay. If none, all those in favor,
10 please signify by raising your hand and saying Aye.

11 (Chorus of Ayes)

12 CHAIR COLLINS: Those opposed? Okay. The
13 motion - second motion to amend passes. So now we're
14 back to the main motion. Any further discussion, or
15 other motions to amend? Maybe I should ask Deputy
16 Corporation Counsel Thomson, are there any other items
17 that would be necessary for the Department to put this
18 out, to advertise this, that we have not included?

19 RICHELLE THOMPSON: No - I think that that
20 would be sufficient.

21 CHAIR COLLINS: Okay. Okay. Commissioner
22 Mardfin.

23 COMMISSIONER MARDFIN: This is kind of off
24 track, probably, but are - have we been thinking about
25 using Akaku and other kinds of things?

1 CHAIR COLLINS: It's my view that the last
2 motion included Akaku as a traditional media platform.

3 COMMISSIONER DESLAURIERS: Yes.

4 CHAIR COLLINS: So - yes.

5 COMMISSIONER MARDFIN: Okay, then.

6 CHAIR COLLINS: Okay. Any further discussion
7 on the main motion? Okay. All those in favor, please
8 signify by saying Aye and raising your hand.

9 (Chorus of Ayes)

10 CHAIR COLLINS: Anybody opposed? Nope. Then
11 the motion passes unanimously. Okay. Moving right
12 along - the next item is presen-- no. The next item
13 is request for independent counsel to Maui Council
14 Counsel regarding Chapter 50. Commissioner Kuoha.

15 COMMISSIONER DESLAURIERS: Could I --

16 CHAIR COLLINS: Oh --

17 COMMISSIONER DESLAURIERS: Could we put the
18 slides up, so we can --

19 CHAIR COLLINS: Oh.

20 COMMISSIONER DESLAURIERS: -- because it's part
21 of this discussion.

22 CHAIR COLLINS: Yes, yes.

23 COMMISSIONER DESLAURIERS: Please?

24 CHAIR COLLINS: Okay. Sorry. Hold on just a
25 second. You did make that request, and I forgot to

1 write it down. So - okay, go ahead. Or you - sorry,
2 we need to --

3 COMMISSIONER DESLAURIERS: I, I, I'm waiting
4 for, for - if you could just put the slides - there
5 are 10 slides that I put up there. And the intention
6 of this is to get us started immediately, so that we
7 could just cut and paste these memes, and get them out
8 on internet - but most importantly, send them to your
9 networks so that they, in turn, can send this
10 information out. So, could we get those slides on
11 there, Lance?

12 CHAIR COLLINS: Sure. Deputy Corporation
13 Counsel Thomson - in your role as Clerk tonight,
14 Secretary?

15 RICHELLE THOMPSON: I'm plate spinning. I
16 think that I can screen share. Let me - I'll have to
17 do them one at a time, though. So --

18 COMMISSIONER DESLAURIERS: Yeah. Yeah.

19 CHAIR COLLINS: Okay.

20 COMMISSIONER DESLAURIERS: That's fine.

21 RICHELLE THOMPSON: (unintelligible)

22 CHAIR COLLINS: So I just - before we - or
23 while you're doing that, if the - if you're asking the
24 Commission to take action, can you make a motion to
25 basically say what it is that you want us to do, so

1 that it's clear on what we're discussing.

2 COMMISSIONER DESLAURIERS: Well, so the motion
3 is to the Commissioners to utilize these memes so that
4 we can get the word out about getting testimonies,
5 both written testimonies, and also then verbal
6 testimonies, at our meetings. So --

7 CHAIR COLLINS: Okay.

8 COMMISSIONER DESLAURIERS: -- you can see that
9 it's - just - the information's laid out, and the way
10 it's - so, so anyway, that's what I'm proposing, that
11 then we all could utilize the information, and send it
12 out.

13 CHAIR COLLINS: Okay. Is there a second?

14 COMMISSIONER CANTO: Second.

15 CHAIR COLLINS: Okay. Commissioner Canto
16 seconds. Commissioner Mardfin.

17 COMMISSIONER MARDFIN: I would suggest we act
18 on these one at a time, not in, in a big mass. We
19 vote on each of the memes that we think are
20 appropriate.

21 COMMISSIONER DESLAURIERS: Oh, I see. Well,
22 well, I was just going to present these, and I was
23 thinking that instead of voting on them, that the
24 Commissioners could choose what they feel is best for
25 their audience, because you'll see, there's a, a, a

1 range of them with different types of imagery.

2 CHAIR COLLINS: Okay, Commissioner Kuoha,
3 followed by Commissioner DeLeon.

4 COMMISSIONER KUOHA: I have a question for
5 Commissioner Deslauriers. Is, is the intention that
6 these memes will be distributed before - in, in the
7 short term, before our next Commission meeting, on the
8 15th?

9 COMMISSIONER DESLAURIERS: Hopefully, people
10 are inspired, and they'll do it tomorrow, so that we
11 can start getting the word out, and, and we'll have,
12 then, attendance, then for our next meeting in two
13 weeks.

14 CHAIR COLLINS: Okay. Commissioner DeLeon.

15 COMMISSIONER DELEON: I think we need to see
16 these things. How can we have a discussion if we
17 don't see them. So let's see them, and move on with
18 it, please.

19 CHAIR COLLINS: Sure. Commissioner Batangan.

20 COMMISSIONER BATANGAN: So, he's asking us to
21 share these in our individual capacities, not - this
22 is not representative of the body, correct? So, so do
23 we actually need to take action?

24 CHAIR COLLINS: We don't need to take action.
25 And I still am not a hundred percent sure about the

1 relationship of this to Chapter 92, but because I
2 already asked, and it was okay, I don't see a problem
3 with it. And if it's - we're not taking action, then
4 it can just be a report that's part of the penumbra of
5 Item F on the agenda, and we can just go through them
6 quickly. Commissioner Kuoha?

7 COMMISSIONER KUOHA: So do I understand
8 correctly that the motion is no longer on the floor?

9 CHAIR COLLINS: The motion is still on the
10 floor. But, yeah, maybe we can just go to share
11 screen, and go through these quickly - only because we
12 have two, two other agenda items that we do have to
13 take action on before the end of tonight.

14 COMMISSIONER DESLAURIERS: Right. So, so you
15 can see that you can just cut and paste this. And
16 again, it just gives different imagery of what this is
17 really about. You want to, in a meme, communicate
18 through an image, a lot of information to get people
19 engaged and participate. So here's one about
20 rewiring. Why don't we just go to the next one.
21 We'll go through them quickly.

22 CHAIR COLLINS: Oh - you're muted.

23 COMMISSIONER DELEON: Oops.

24 RICHELLE THOMPSON: Sorry about that. I need
25 to do them one at a time, so I'm just going to have to

1 --

2 COMMISSIONER DESLAURIERS: Oh, yeah, yes --

3 RICHELLE THOMPSON: (unintelligible)

4 COMMISSIONER DESLAURIERS: -- just - yeah, you

5 can just put them one in a time, the first - in, in

6 order that were, they were set - so you'll see there's

7 one, two, three - just, just put them in that order.

8 That'd be great.

9 COMMISSIONER OLSON: Meanwhile, I'd like to
10 state --

11 COMMISSIONER DESLAURIERS: So this is the --

12 COMMISSIONER OLSON: -- that I'm --

13 COMMISSIONER DESLAURIERS: -- second one.

14 COMMISSIONER OLSON: Sorry.

15 CHAIR COLLINS: Oh.

16 COMMISSIONER DESLAURIERS: It - this one --

17 CHAIR COLLINS: Hold on just - hold on just a
18 second --

19 COMMISSIONER DESLAURIERS: (unintelligible)

20 CHAIR COLLINS: Go ahead, Commissioner Olson.

21 COMMISSIONER OLSON: I'm just want to say that
22 I'm glad to see that Mr. Purdy got safely home.

23 CHAIR COLLINS: Yes. Okay.

24 MALE SPEAKER: Right.

25 COMMISSIONER OLSON: So, so he can raise his

1 hand --

2 COMMISSIONER DESLAURIERS: So --

3 COMMISSIONER OLSON: -- next time.

4 COMMISSIONER PURDY: Okay. Yeah.

5 COMMISSIONER DESLAURIERS: So again, you can
6 choose - again, this is one that's a little bit more
7 light. But again, it's, it's really about asking the
8 question for people to participate, and be involved,
9 and engaged. And just go on to the next one. And the
10 third one goes into - if we can get on - there we go -
11 goes into this being our Constitution. Alice Lee,
12 when she, when she first introduced us, said that this
13 is our Constitution. And it is, as we go into, you
14 know, descriptions. And it's, it's nice that we're
15 asking people to be part of this, and be represented
16 in these, in, in this overall picture.

17 So let's go on to the next one. This next one
18 is - again, it, this is about rewiring, because it -
19 if you look at it - this is our operating system for
20 the County, and - so you can see one wiring system
21 pretty messed up, and what we're looking at doing is
22 really supporting things so that the energy is
23 channeled much more effectively and efficiently
24 throughout the county, and be more professional.

25 And we can just go to the next one, which is

1 again, about rewiring. So again, you can just cut and
2 paste. These, these are fine going on - and again,
3 it's a little bit - if you look at maucountygov1791-
4 charter-commission - it'd be great if we had our own
5 domain, just like mauicharter.org, it would make it a
6 lot easier for people to remember, too. And let's go
7 to this next one, which then - so these, these are
8 memes that are introductory. And then we can go into
9 other pieces with a little bit more detail that goes
10 into, then, the specifics about what this is about,
11 the dates where they can do public submission, and
12 again, invitation to put their written comments there
13 at, at any time.

14 So - and let's go to the next one. Again, it,
15 it - again, this is just - you would put this in back
16 of the meme, those first five, and this would go in
17 back, information in the back of it, which just
18 displays our meetings, and - so that would be number
19 seven, we're up to. So again, this - really, it,
20 it's, it's about, again, participation. We got this
21 one - we need to go to the next one, Number Seven.

22 RICHELLE THOMPSON: That one's showing up as --

23 CHAIR COLLINS: I'm sorry.

24 RICHELLE THOMPSON: Yeah, that one's --

25 COMMISSIONER DESLAURIERS: Oh.

1 RICHELLE THOMPSON: -- showing up as number
2 seven on my screen, Paul.

3 COMMISSIONER DESLAURIERS: Well, let's go -
4 let's go --

5 RICHELLE THOMPSON: I'll try number eight.

6 COMMISSIONER DESLAURIERS: -- to number eight,
7 then.

8 COMMISSIONER DELEON: Go to the next one.

9 COMMISSIONER DESLAURIERS: Yeah, go to number
10 eight. Yeah. Next one. So again, this gives our
11 dates. Obviously, the April 1st date, we could take
12 off. But it, it just lays it all out, in terms of the
13 different areas where we're looking at getting
14 feedback from. And let's go to the next one, which is
15 similar. It's just a - a little bit of different
16 design.

17 And while we're waiting for that to go on
18 screen, I want to give a shout-out to one of my staff,
19 Asia Ire (phonetic), who is just incredible. She put
20 together all of these different memes. You know, we
21 work together as a team, but she was responsible for
22 really doing a lot of, a lot of the work on this.

23 And, and this gives an overview of what we're
24 talking about, in terms of the Maui County Charter.
25 So you have the memes to come at first, and then you

1 can have this more detailed explanation about what the
2 Charter is.

3 Then if we go to the last one, it goes into,
4 then, the different types of categories that we might
5 want to consider. I think it's very important that we
6 do have categories. Now, Dick, I see that you're
7 still online here, and this is actually from your
8 list, that - in terms of your testimony. I just took
9 some of the headings.

10 I don't know if Corp. Counsel has a whole level
11 of distinctions of the different categories that are
12 normally discussed in, in the Charter Commission. But
13 it would be nice if we had a drop-down menu, then,
14 where people then could, if they had something on
15 County Government Operations, their feedback would go
16 specifically towards that. And it's nice in that
17 people would - if they have several different pieces
18 of information to give us, then they would go - if
19 it's County Voting, for example, then they could
20 divide it up into those different categories. It
21 would make it so much easier, I think, for all of us
22 in the analysis of the data. Again, as I mentioned
23 earlier, that we can do statistics on it. We can find
24 out, you know, how many people responded to each one
25 of these issues, and then we can do an analysis. I

1 think that will really help us inform our decision-
2 making process.

3 So - I don't know if the Secretary has sent
4 everyone these, this list, but again, you can cut and
5 paste. Please send it to people that you know. But
6 as Ashley mentioned, too, there's, there's a lot of
7 different groups that, if you send it to their
8 communication group, then they'll spread that type of
9 information out, because I think there's a - I found
10 that, especially in this past year, there's much more
11 willingness to be informed and participate in County
12 governance. So I think, as we get the information
13 out, we'll get some good responses, and hopefully next
14 time around, we'll get a, a few more people coming in
15 for their testimonies.

16 CHAIR COLLINS: Okay. Commissioner DeLeon?

17 COMMISSIONER DELEON: And Paul, I really
18 thought those things are really well produced.
19 They're really, really clear. I do have a problem
20 with the rewiring concept, because we've not reached
21 any consensus that we, we're rewiring anything. So -
22 reviewing, studying, reworking, maybe. But I mean,
23 rewiring kind of suggests we're going to take the guts
24 out and throw them out, and put in new wiring. And -
25 I'm sorry, just an editorial problem I'm having,

1 because I don't think there's a consensus on that yet.

2 COMMISSIONER DESLAURIERS: Great. I, I, I
3 appreciate that feedback. And I - I, I think that's
4 why I had so many different ones there, so, so that we
5 could choose the ones that resonate with us
6 personally.

7 COMMISSIONER DELEON: Yeah. I only saw - saw
8 only two --

9 COMMISSIONER DESLAURIERS: So, so there - yeah,
10 yeah.

11 COMMISSIONER DELEON: Only --

12 COMMISSIONER DESLAURIERS: Yeah, there's,
13 there's, there's, there's number two, and number
14 three that has nothing to do with rewiring at all.

15 COMMISSIONER DELEON: Yeah --

16 CHAIR COLLINS: Commissioner Kuoha.

17 COMMISSIONER DELEON: It was the first --

18 CHAIR COLLINS: Oh - sorry.

19 COMMISSIONER DELEON: -- one. It was the first
20 one, and I think the fourth one - one was a pole, the
21 telephone pole --

22 COMMISSIONER DESLAURIERS: Yeah. The --

23 COMMISSIONER DELEON: -- and the funny wiring -

24 -

25 COMMISSIONER DESLAURIERS: Yeah.

1 COMMISSIONER DELEON: -- and everything.

2 COMMISSIONER DESLAURIERS: There's a
3 (unintelligible)

4 COMMISSIONER DELEON: Yeah. I mean, it's -
5 it's - assumes that we've got a really broken system.
6 I don't necessarily believe we have a broken system.
7 So the - and, and I know we're going to have
8 philosophical discussions about this later. But I
9 just want to, you know, put it out now that I've, I've
10 got a little problem with those guys going out
11 underneath our banner.

12 CHAIR COLLINS: Commissioner Kuoha?

13 COMMISSIONER KUOHA: Chair Collins, I'm, I'm
14 seeking to make a new motion, and I'm just wondering
15 when the right time for that is.

16 CHAIR COLLINS: Sure. So actually at this
17 time, I am going to make a decision of the Chair that
18 the motion actually is out of order, and so it doesn't
19 require a vote, or being rescinded. I, I just have a,
20 a concern that I think we're going a little bit
21 outside - actually, we're going far outside of the
22 agenda. So I'm going to call that motion out of
23 order. I don't think it was necessary anyways, but we
24 really do have to have some action to be discussing in
25 order to have a discussion in the first place, if it's

1 not a report. So, I - it was appropriate. But at
2 this point, I'm going to rule it out of order.

3 Commissioner Kuoha?

4 COMMISSIONER KUOHA: Yes. I'd like to move
5 that we accept and put out an RFP with the, with the
6 verbiage that I had forwarded to the Commission, with
7 the intention of getting proposals, and actually
8 having people in front of us that can explain the
9 various processes, and what they see as possible. And
10 as we discussed earlier, we don't necessarily have to
11 move on any of those proposals, but I think it would
12 behoove us to have professionals in the field explain
13 their approaches to, to community engagement. And we
14 might find one of those compelling.

15 CHAIR COLLINS: Okay. So you're moving to go
16 through the RFP process to get community outreach
17 services, based on your - the language of your
18 Community Engagement and Communications Coordinator.

19 COMMISSIONER KUOHA: Correct.

20 CHAIR COLLINS: Okay. Is there a second?

21 COMMISSIONER OLSON: Second.

22 COMMISSIONER CANTO: I'll second.

23 COMMISSIONER PURDY: Second.

24 CHAIR COLLINS: Okay. Seconded by Commissioner
25 Canto. Commissioner Kuoha.

1 COMMISSIONER KUOHA: And so I, I, I do want to
2 note, right now we have a temporary solution. And I
3 think if we move a longtime solution along at the same
4 time, it, it, it might help. Just gives us a little
5 bit more time during the, the County budgeting season
6 to, to maybe have more conversations with, with
7 Council members, because I, I don't think that, that
8 the position as written and, and for the RFP can be
9 covered by our current, current budget. So there,
10 there are a lot of factors here. And I think if we
11 just - if we can move this along to see which - what's
12 possible, I think it'll, it'll help our decision-
13 making.

14 CHAIR COLLINS: Okay. Further discussion?
15 Commissioner Mardfin?

16 COMMISSIONER MARDFIN: I just have a question.
17 This is all based on the Word document that you sent
18 us, as I understand it, and yet the Word document you
19 sent us has a lot of things in it about - I think it's
20 one, two, one, two - the third paragraph has a whole
21 list of seven things that people are responsible to
22 do. It - if - is - am I correct, then, in saying that
23 you're having - you're including that whole thing?

24 COMMISSIONER KUOHA: The wording there, and the
25 intention was that the wording are potential types of

1 engagement. So these - that - it's not a complete
2 list, and it's not intended as a, a list that any RFP
3 needs to - excuse me, any proposal needs to address
4 each of these items.

5 CHAIR COLLINS: Okay. Commissioner DeLeon --

6 COMMISSIONER DELEON: Let, let - oh --

7 CHAIR COLLINS: -- followed by Commissioner
8 Batan-- -

9 (NOTE: Part 2 ends here and Part 3 begins, but
10 there may be something missing that is not on either
11 recording.)

12 COMMISSIONER MARDFIN: No, go ahead.

13 CHAIR COLLINS: Okay.

14 COMMISSIONER DELEON: Are you sure? Okay. All
15 right. I'm going to oppose this motion. I think in
16 an, in an, an ideal world, the, the proposal has
17 represented is pretty spectacular. And the reality is
18 we're running 11 months, and we're going to be done.
19 And this is going to take close to six months to get
20 up and running, if at all. And then you're going to
21 have to be out in the field to have really any impact
22 of doing the thing right. It's like - I don't know, I
23 see years. I don't see, I don't see, like, you know,
24 a couple months. So, it's - you know, again, do you
25 want to have a DeLorean, or do you need - or you, you

1 want to get that Ford out there and get going. I
2 think I'm going to stick with the Ford. Thanks.

3 CHAIR COLLINS: Okay. Commissioner Batangan.

4 COMMISSIONER BATANGAN: Can you remind us of
5 the vote that was taken prior to seeing the memes? My
6 understanding was that we had agreed on RFP with
7 Commissioner - I'm going to butcher this, and I
8 apologize.

9 COMMISSIONER DESLAURIERS: Paul.

10 COMMISSIONER BATANGAN: Commissioner Paul's
11 duties and responsibilities, and Commissioner Kuoha's
12 qualifications. Is that correct?

13 CHAIR COLLINS: No. It was - the, the previous
14 motion that approved was for a small purchase of
15 services for a community outreach, not less than
16 \$25,000. It was amended to include the task list of
17 Commissioner Deslauriers' tasks as a minimum. And the
18 second amendment was some minimum qualifications,
19 provide - the language provided by Commissioner Olson
20 regarding proven ability. This, this motion is
21 seeking to do a full request for proposals based on
22 the proposal of Commissioner Kuoha that was sent to us
23 as a Word document as part of the Board packet, for
24 Community Engagement --

25 COMMISSIONER BATANGAN: I mean, so I guess the

1 follow-up to that, then --

2 CHAIR COLLINS: -- and Communications
3 Coordinator.

4 COMMISSIONER BATANGAN: The follow-up to that,
5 then - how would - so we would pursue both, if we were
6 to approve this.

7 CHAIR COLLINS: Yes. If it, if it were
8 approved, yes.

9 COMMISSIONER BATANGAN: Okay. Thank you.

10 CHAIR COLLINS: Okay. Commissioner Mardfin,
11 did you have additional questions, or comments that
12 you wanted to make? I - sorry, I didn't mean to cut
13 you off earlier.

14 COMMISSIONER MARDFIN: That's okay. Is, is, is
15 this a motion that's been motion seconded?

16 CHAIR COLLINS: Yes. It was seconded by
17 Commissioner Canto.

18 COMMISSIONER MARDFIN: I would like to move to
19 amend.

20 CHAIR COLLINS: Okay.

21 COMMISSIONER MARDFIN: And then my, my
22 amendment would be to, in the third paragraph, delete
23 Board Item - the Board Number Four, Five, Six, and - I
24 guess you can do Three, would be okay - and - to
25 delete Four, Five, and Six.

1 CHAIR COLLINS: Okay. Is there a second?

2 COMMISSIONER DELEON: Second.

3 CHAIR COLLINS: Okay, seconded by Commissioner
4 DeLeon. Commissioner Mardfin?

5 COMMISSIONER MARDFIN: I just think those are
6 very - as we talked about earlier, very - first, very
7 expensive. Secondly, as I say, I would love to see
8 it, but I don't think we have the resources to see it.
9 And I have yet to hear somebody give me two questions
10 that any of, any of those three items would answer.

11 CHAIR COLLINS: Okay. Is there further
12 discussion? Okay. The amendment is to delete Four,
13 Five, and Six from the position description. All
14 those in favor, please raise your hand, and if you'd
15 say yes, by signifying by raising your hand and saying
16 Aye.

17 (Chorus of Ayes)

18 CHAIR COLLINS: Okay. Those opposed? Okay.
19 It passes unanimously. We're back to the main motion,
20 as amended. Is there any further discussion? Okay.
21 Seeing none, then I will call for a vote. All those
22 in favor of, of doing an RFP based on the Community
23 Engagement and Communications Coordinator document
24 presented by Commissioner Kuoha, as amended by
25 striking Four, Five, and Six from the types of

1 engagement, signify by saying Aye and raising your
2 hand.

3 (Chorus of Ayes)

4 CHAIR COLLINS: Okay. Those opposed, signify
5 by raising your hand and saying No, or Nay.

6 COMMISSIONER DELEON: No.

7 COMMISSIONER BATANGAN: Sorry.

8 CHAIR COLLINS: Okay. The motion passes.

9 RICHELLE THOMPSON: Yeah, for the record --

10 CHAIR COLLINS: Okay.

11 RICHELLE THOMPSON: -- (unintelligible) who the
12 No vote was, or, or --

13 CHAIR COLLINS: Sorry. The No vote was
14 Commissioner DeLeon and Commissioner Batangan.

15 RICHELLE THOMPSON: Thank you.

16 CHAIR COLLINS: Okay. The next item on the
17 agenda is the - Commissioner --

18 COMMISSIONER BATANGAN: (unintelligible) --

19 CHAIR COLLINS: BATANGAN:

20 COMMISSIONER BATANGAN: Sorry. The reason I
21 voted No was because the Community Engagement
22 Coordinator Duties and Responsibilities are blank.

23 CHAIR COLLINS: Um-hmm.

24 COMMISSIONER BATANGAN: The - and I think those
25 need to be filled in if we're going to send out an

1 RFP. Can I move to - oh, sorry - go - Ms. Thomson.

2 CHAIR COLLINS: Well, before she says anything,
3 I'm just going to note that in the future, it would be
4 better, if you want to explain how you're going to be
5 voting, to do it before we take the vote, because
6 Roberts Rules of Order actually considers to be
7 explaining your vote after a vote is taken, to be out
8 of order. Ms. Thomson?

9 COMMISSIONER BATANGAN: I apologize.

10 CHAIR COLLINS: No worries. No worries. Ms.
11 Thomson?

12 RICHELLE THOMPSON: Yeah - thanks. What I was
13 going to suggest is that I can put together this
14 (unintelligible) and bring it back to you, and I'll
15 try to do that by the next meeting. That, that way
16 you can, you can all see, you know, what would be
17 going out, and make any final changes to it.

18 CHAIR COLLINS: Okay. That would be much
19 appreciated. So --

20 COMMISSIONER BATANGAN: And --

21 CHAIR COLLINS: -- just to be clear, that this
22 is not going to go out to an RFP without coming to
23 another Board, another Commission meeting first.

24 RICHELLE THOMPSON: Well, that's what I would
25 recommend.

1 COMMISSIONER BATANGAN: Okay.

2 CHAIR COLLINS: Okay.

3 COMMISSIONER BATANGAN: And I apologize for
4 being late with my comment. I should have done that -
5 -

6 CHAIR COLLINS: No.

7 COMMISSIONER BATANGAN: -- before the vote was
8 taken.

9 CHAIR COLLINS: No, no worries --

10 COMMISSIONER BATANGAN: I appreciate --

11 CHAIR COLLINS: It's, it's late, and --

12 COMMISSIONER BATANGAN: -- the process here.

13 CHAIR COLLINS: -- yeah. We're, we've been
14 kind of a little bit loose in general, so it's, it's -
15 okay. Next item is: H. Request for independent
16 counsel to Maui County Council regarding Chapter 50.
17 First, I just want to update for the record that I did
18 contact the Democratic Party of Hawaii, and I
19 confirmed that there are presently six members of the
20 Charter Commission who are members of the Democratic
21 Party of Hawaii. So that's, that issue is not
22 presently an issue of immediate concern, although
23 there is a theoretical one.

24 My, my wanting to put this on the agenda
25 primarily has to do with the conflict between Chapter

1 50 related to how long we have to do our work. It was
2 my understanding when the 2020 Charter amendment was
3 done, changing the composition and so forth, that we
4 were being given 16 months to do our work. And I went
5 through some of the legislative history, and it
6 appears that that's what was intended by the Council.

7 However, we're getting conflicting advice
8 regarding Chapter 50, that we have to be finished in
9 11 months. And each of these documents have different
10 positions, from Corporation Counsel at different
11 times, from the Office of Council Services, and of
12 course, from myself regarding the applicability of
13 those provisions of Chapter 50. And so I thought it
14 would be a good idea to possibly get an independent
15 opinion regarding the applicability of Chapter 50 to
16 our work, primarily, because the huge differences - do
17 we have 11 months, or do we have 16 months, as the
18 Charter says.

19 So that - but I mean, that, that's one issue.
20 Of course, there's a couple of other issues, as well.
21 But those - the only pressing issue, I think has to do
22 with the amount of time that we've got. Deputy
23 Corporation Counsel Thompson has some information.

24 RICHELLE THOMPSON: Well, I'll keep it very
25 brief. Just as to that point of how long you have -

1 so there was an amendment that was made at the last
2 election that added - it was just a phrase, 'if
3 required by state law'. And so I did check with OCS,
4 Director David (unintelligible), and he confirmed that
5 that reference is to the time period in Chapter 50,
6 for the return of, of your Commission's report to the
7 County Council for their review. So that's the
8 information that I, that I got from David. He did,
9 you know, tell me, though, that the legislative
10 history was - because I was looking for it and I
11 couldn't find it, in terms for the purpose of
12 including that phrase. But he said that, that that
13 was the purpose.

14 CHAIR COLLINS: Sure. My, my understanding was
15 that that was never considered by the Council, but in
16 fact, it was inserted by Council Services. And of
17 course, Council Services can't generate legislative
18 history by inserting stuff and it not being discussed
19 by the Council. So I agree with you that there's a -
20 there's definitely a concern with that language.
21 Commissioner DeLeon.

22 COMMISSIONER DELEON: So if 50 doesn't - now -
23 is not in, in, send play, does that mean we don't have
24 to send the, the proposals to the, to the Council
25 first?

1 CHAIR COLLINS: That, that, I do believe is an
2 open question. It, it, it, it would only be required
3 if Chapter 50 applied, because it's not required by
4 the Charter.

5 COMMISSIONER DELEON: (unintelligible)

6 CHAIR COLLINS: The Charter gives us six - the
7 Charter gives us 16 months. Yeah, and I, I do believe
8 and I, I'd have to go back now, because it's a little
9 bit late and I don't remember. I, I thought that the
10 whole point of giving us 16 more months was to give us
11 more time. But by reading Chapter 50 into it, it
12 basically deletes the extra time that we were given.
13 So - yeah. So - yes, it - oh, Commissioner --

14 COMMISSIONER DELEON: I believe 16 months --

15 CHAIR COLLINS: -- DeLeon.

16 COMMISSIONER DELEON: I, I believe 16 months
17 refers to the moment we have to give it to the Clerk.
18 I mean, there's a --

19 CHAIR COLLINS: That's right.

20 COMMISSIONER DELEON: There's a period of time
21 certain, where you have to deliver a product to the,
22 the Clerk, and it's - in order to get on the ballot.

23 CHAIR COLLINS: That's right. And that's 45
24 days before the --

25 COMMISSIONER DELEON: So (unintelligible)

1 CHAIR COLLINS: -- we - well, we have to
2 publish it 45 days before the election - yeah.

3 COMMISSIONER DELEON: Right.

4 CHAIR COLLINS: But it has to be submitted to
5 the Clerk 16 months after we've been appointed. I see
6 a hand, but sorry, there's something blocking it.
7 Commissioner Kuoha, followed by Commissioner Mardfin.

8 COMMISSIONER KUOHA: I, I would love to get
9 these questions clarified, and so we can move forward.
10 And so I - yeah, that's all I'm going to say for now.
11 Thank you.

12 CHAIR COLLINS: Okay. Commissioner Mardfin. I
13 agree. And I, I move that we request the Maui County
14 Council to allow us to have independent counsel
15 regarding this legal issue.

16 COMMISSIONER OLSON: Second.

17 CHAIR COLLINS: Seconded by Commissioner Olson.
18 Okay, Commissioner Mardfin?

19 COMMISSIONER MARDFIN: I agree with you. I
20 think we, we need to get this settled one way or the
21 other. I know earlier today, we sort of gave an - in
22 the rules, gave ourselves permission to see
23 independent counsel if needed. I think five months
24 is, is a big difference, and I think we need the -
25 well, the counsel.

1 CHAIR COLLINS: Okay. Deputy Corporation
2 Counsel Thomson had information she wanted to share.

3 RICHELLE THOMPSON: So, I wasn't really sure
4 which direction independent counsel discussion was
5 going to go. So I just want to - I don't want this to
6 be a surprise to you when this gets up to Council.

7 So under the Charter, the way that we read it
8 is that boards and commissions don't have the ability
9 to, you know, hire - you can request it, right, but
10 there needs to be, under the Charter, there needs to
11 be a, a real necessity for special counsel - it's
12 called special counsel in the Charter. It requires a
13 two-thirds vote, and it's for representation. The
14 legislative history on representation by an attorney
15 involves some kind of adjudication - so court, you
16 know, going to court for something.

17 There's another part of the Charter that was
18 added at the last election, where the - if the
19 administration and the Council disagree on the
20 interpretation of the Charter, that our office is
21 required to go to court within 30 days to get a
22 court's opinion on that.

23 So, I - the way that we read the Charter is
24 that boards and commissions do not have, you know,
25 out, outright the ability to have special counsel,

1 because those duties are assigned by the Charter to
2 the Department of Corporation Counsel as the, as the
3 lead advisor and representative to, you know, all the
4 boards, commissions, the County Council, and the, and
5 the administration. So I, I just wanted to be upfront
6 with the, the way that our department (unintelligible)
7 that.

8 In terms of your ability to communicate with
9 Council, of course you have the ability to communicate
10 with them. But we would be telling Council that the
11 way that we read the Charter's duties is that you do
12 have that period of time, it's 12 months,
13 (unintelligible) Chapter 50, to return your report to
14 the Council, so that they can, in turn, you know,
15 provide - I believe they're called alternatives to
16 some of the suggested revisions to the Charter.

17 So the way that we see it is that Chapter 50
18 envisions kind of a, a back and forth between Council
19 and, and this Commission. So - thank you, thank you
20 for the opportunity.

21 CHAIR COLLINS: I appreciate your frankness.
22 Thank you very much. Commissioner Batangan.

23 COMMISSIONER BATANGAN: Can I confirm - so, Ms.
24 Thomson, you and Mr. Roths (phonetic) are in agreement
25 on the interpretation of the timeline for this - for,

1 for our review? Is that correct?

2 RICHELLE THOMPSON: What I asked David was
3 whether, whether that phrase, 'if required by state
4 law' was referring, and referencing the, basically,
5 the duty under Chapter 50 that the Charter Commissions
6 have to return the report to the legislative body. So
7 - and that was the, the question that I asked him.

8 What the, what the Commission can do, though,
9 is send a, a request to Council for, you know, the
10 interpretation if you, if you would like. You know,
11 that may be a - what I'm trying to do is get you folks
12 to the answer that you want. The other thing about
13 going to court, as your, your Chair well knows, is
14 you're looking at a, a multiple month process, and
15 that's going to eat up a lot of very valuable time,
16 that - I know that you all want to get your work done.

17 So, I'm - the other thing is - sorry - my
18 little sales pitch here - the County of Hawaii
19 actually, you know, in their, in one of their Charter
20 Commission reviews, took a look at those parts of the
21 state law that they wanted to explicitly include, and
22 I - if that's a - kind of an important thing that you
23 might want to take a look at is, you know, really
24 flushing that out, because Section 14.3 is kind of a
25 sparse set of marching orders for, for your Commission

1 work.

2 COMMISSIONER BATANGAN: So I guess my question
3 to the body, then, is, what would independent counsel
4 provide that Corporation Counsel and OCS lawyers are
5 not able to, related to this question?

6 CHAIR COLLINS: Well, I, I can just speak to -
7 OCS is not allowed to provide legal advice to us.
8 They can only provide --

9 COMMISSIONER BATANGAN: Um-hmm.

10 CHAIR COLLINS: -- advice to the Council, and
11 they're not allowed to represent the Council in, in,
12 in any kind of litigation. The Office of Council
13 Services has, has not opined that that provision of
14 Chapter 50 is applicable. They have opined that where
15 there's a conflict between Chapter 50 and the Charter,
16 the Charter supersedes - that's Item H3 on the agenda.
17 And so this would be - this, this motion would be
18 asking for an independent attorney to basically
19 provide their, their independent opinion of whether or
20 not Chapter 50 applies.

21 If the Council does that, then the Council and
22 the Mayor have to sue each other, under the Charter.
23 If we get an independent opinion by another attorney,
24 that doesn't necessary trigger a lawsuit between the
25 Council and the Mayor.

1 But of course, Corp. Counsel's position is that
2 possibly the Council may or may not be able to do
3 that, if litigation isn't going to be the end result
4 for the Charter Commission anyways. But that doesn't
5 mean we still can't ask the Council, and maybe the
6 Council's decision is not to approve independent
7 counsel, but instead to take a position contrary to
8 Corporation Counsel, and then everybody will have to
9 sue each other, and we can stay out of it and do our
10 job. Deputy Corporation Counsel Thomson has more
11 information.

12 RICHELLE THOMPSON: Yes, just - Chair, just
13 very quickly. One of the things that you could do -
14 you're not prevented from hearing from other people.
15 Public testimony can involve testimony by attorneys.
16 So you could put this issue, again, on your agenda,
17 you know, and, and get more opinions from other people
18 in the community, you know, if, if you're looking for
19 more takes on it but not necessarily going to court to
20 settle it, is what I was hearing, so --

21 CHAIR COLLINS: Right - although the difference
22 between just encouraging members of the public to
23 testify, as opposed to hiring somebody to be our
24 attorney is that that attorney has the duty of loyalty
25 and obedience to the Commission, and an undivided

1 loyalty to us, and would basically be providing us
2 information without divided loyalties to other
3 individuals, right - because if we had an independent
4 counsel, the normal conflict of interest rules that
5 don't apply to government attorneys would totally
6 apply to an independent counsel, and they would have
7 to basically give us an opinion that is - their
8 undivided loyalty would be their opinion to us - as
9 opposed to somebody freely giving legal information in
10 the form of public testimony, right?

11 RICHELLE THOMPSON: That's, that's possible.
12 But again, I, I don't believe that boards and
13 commissions have the ability to hire their own
14 advisors, under the Charter as it stands right now.
15 Like I said --

16 CHAIR COLLINS: Sure.

17 RICHELLE THOMPSON: -- that's something you
18 could change, or recommend to.

19 CHAIR COLLINS: But it's not - the motion
20 itself is not ultra vires. We have the ability to ask
21 the County Council, and then it would be up to them to
22 decide whether or not they accept your advice about
23 the limits of their power. Okay. Commissioner
24 Mardfin had his hand raised, and I believe also
25 Commissioner Kuoha.

1 COMMISSIONER MARDFIN: And - the last month -
2 the (unintelligible) ago, when you mentioned the late
3 (unintelligible) Van Dyke had been an advisor, an
4 analyst, I guess, for the previous Commission. And
5 while he is gone, I believe his wife is Sherry Broder,
6 and she might be up on things like this.

7 The question would be, really, if somebody of
8 that stature gave testimony here, would the Corp.
9 Counsel accept that interpretation? Or are they kind
10 of fixed on Chapter 50 applies?

11 RICHELLE THOMPSON: Chair, I can answer that.

12 CHAIR COLLINS: Please. Please.

13 RICHELLE THOMPSON: Thank you. Now, I think
14 that, you know, our approach here in this Department
15 is to not try to rely only on, you know, iron clad
16 opinions. The law changes, you know, just all the
17 time. There's new case law, new interpretations. So,
18 you know, that's, that's, I think one of the strengths
19 of our Department, is that we really do try to
20 maintain an open mind, and to look at things from all
21 angles. So, no, you, you won't get something that's
22 just regurgitated just for the sake of regurgitating
23 it. You know, we, we do promise to do the best job we
24 can.

25 COMMISSIONER MARDFIN: So, so having a

1 prestigious law professor submitting some sort of
2 opinion informally, or - might influence you folks?

3 RICHELLE THOMPSON: I think that it would be a
4 wonderful thing to have, you know, some, some learned
5 skills and opinion as you go through this process. I
6 think one of - as Keola's presentation earlier, you
7 know, talked about the marble cake and all. In my
8 opinion, Chapter 50 and, and that provision in the
9 Charter, it's kind of the epitome of a marble cake.
10 So I, I do think that that's, that's a great topic,
11 you know, right within your wheelhouse. And as you go
12 through that section of the Charter, I think seeking
13 input from, you know, people who are well versed in
14 Constitutional law and things like that would be a
15 terrific avenue of just information gathering.

16 CHAIR COLLINS: Commissioner Kuoha?

17 COMMISSIONER KUOHA: I'd like to speak in favor
18 of the motion. I think we're, we're going to have to
19 walk and chew gum in so many different ways. And you
20 know, setting this in, in motion, and letting it take
21 its course, and you know, it, it may, it may very well
22 be that the Council needs to sue the, the Mayor. But
23 at least we have, we have some sort of clarity. A
24 court is going to say whether Chapter 50 applies.
25 And, and whether Chapter 50 applies impact the work -

1 both timing, whether we get money for this work.
2 There's, there's a number of ways that it, it
3 intersects. And I - my fear is at the end, you know,
4 we, we aren't in compliance or - in, in some way, or
5 someone will actually take it to court, and, and our
6 work will be for naught.

7 So I would love to see this just move forward,
8 and we'll see what the next, the next step is, and put
9 it in, in, in the Council's chamber.

10 CHAIR COLLINS: Further discussion?
11 Commissioner Batangan?

12 COMMISSIONER BATANGAN: So - is it - do we need
13 a judge to weigh in to get final clarity on whether or
14 not - or on, on the applicability of Chapter 50?
15 There are other ways to get resolution to the question
16 - or, or is that still going to lead us to, or keep us
17 open to, like, litigation in the future, if it's
18 unsettled?

19 CHAIR COLLINS: The present motion is not
20 seeking to have authorization to litigate anything.
21 So the end result will not be, at least from this
22 request, the immediate result will not be that a judge
23 will be making a determination. But as a general
24 legal matter, it is the duty of the courts to say what
25 the law is. So, in a, in a more general, abstract

1 sense, it, it is the duty of judges to decide what the
2 law is. But it's not necessary that they do that. It
3 just happens when there's conflicting opinions that
4 can't be resolve otherwise. Further discussion? Any
5 other questions?

6 COMMISSIONER BATANGAN: Yeah, sorry.

7 CHAIR COLLINS: Okay. Commissioner --

8 COMMISSIONER BATANGAN: I just --

9 CHAIR COLLINS: -- Batangan?

10 COMMISSIONER BATANGAN: Just need to follow
11 that line of thinking. So if we were to get a, a, a
12 different legal opinion, that wouldn't be enough; it
13 would have to be decided by a judge, since there seems
14 to be ambiguity.

15 CHAIR COLLINS: I, I don't think necessarily,
16 because, of course between March 12th and March 25th
17 Corporation Counsel has updated their analysis. And
18 so it's quite possible that if an independent attorney
19 that had their undivided loyalty to us, rendered an
20 opinion, as Deputy Corporation Counsel Thomson said,
21 that the law is always evolving, and it's possible
22 that that wouldn't be necessary. And I don't know
23 that we have the authorization to sue unless the
24 Council says we're allowed to anyways. So it would -
25 getting this opinion would only be a step in that

1 direction, if that's something that this Commission
2 would want to do, but hopefully, that wouldn't be
3 necessary. And if we had independent counsel give its
4 opinion, which maybe they won't be allowed to do -
5 that we wouldn't have to go in that direction. So, I
6 don't know if that answers your, your question.

7 COMMISSIONER BATANGAN: Yes. Thank you.

8 CHAIR COLLINS: Any further questions?
9 Comments? No - it's very late. Okay. If there's no
10 further questions, then I will call the vote. All
11 those in favor, say Aye, and raise --

12 COMMISSIONER MARDFIN: Aye.

13 CHAIR COLLINS: -- your hand.

14 (Chorus of Ayes)

15 CHAIR COLLINS: Okay. Okay. Those opposed,
16 raise your hand and say No, or Nay.

17 (Chorus of Nays)

18 CHAIR COLLINS: Okay. I don't think that I
19 captured everybody's vote. Why don't we do a roll
20 call. Sorry. I'm not sure how that came up. I only
21 had seven votes total. Okay. Grant, Vice Chair --

22 COMMISSIONER PURDY: (unintelligible)

23 CHAIR COLLINS: -- Grant Chun is excused.
24 Commissioner Batangan?

25 COMMISSIONER BATANGAN: Nay.

1 CHAIR COLLINS: Okay. Commissioner Canto? Oh,
2 sorry, can you repeat?

3 COMMISSIONER MARDFIN: Muted.

4 CHAIR COLLINS: Oh, you're muted - sorry.
5 Thought it was my --

6 COMMISSIONER CANTO: Sorry - Aye.

7 CHAIR COLLINS: Commissioner DeLeon? Oh,
8 you're muted.

9 COMMISSIONER DELEON: My - No.

10 CHAIR COLLINS: Okay. Commissioner
11 Deslauriers?

12 COMMISSIONER DESLAURIERS: Yay.

13 CHAIR COLLINS: Commissioner Kapoi?

14 COMMISSIONER KAPOI: No.

15 CHAIR COLLINS: Okay. Commissioner Kuoha?

16 COMMISSIONER KUOHA: Yes.

17 CHAIR COLLINS: Commissioner Mardfin?

18 COMMISSIONER MARDFIN: Aye.

19 CHAIR COLLINS: Commissioner Olson?

20 COMMISSIONER OLSON: Aye.

21 CHAIR COLLINS: Okay. Commissioner Purdy?

22 COMMISSIONER PURDY: Sorry, I'm going to have
23 to say No, because I didn't hear any (unintelligible)

24 COMMISSIONER CANTO: What --

25 CHAIR COLLINS: Okay. I think what I heard was

1 No, and he wasn't able to hear the discussion. Okay.
2 And I will vote to - Yes, because my - that my vote
3 would affect the outcome. So I will be voting Yes.
4 And on that basis, the motion passes, 6 to 4. Okay.

5 COMMISSIONER DELEON: You - (unintelligible)

6 CHAIR COLLINS: It is - it, it is 10 o'clock.
7 I really would like for us to calendar the remaining
8 meetings, but I also think that it would just be a
9 better idea if we waited and put that on the next
10 agenda, because I think it's going to take more than
11 five minutes, if our last meeting was any idea. So if
12 I could request everybody to have their calendars
13 available next meeting so we could discuss the next
14 set of when we're going to meet to actually do
15 business, that would be great.

16 Also, if you have any items that you would like
17 to have on the agenda, I strongly urge you to not wait
18 until the absolute deadline to submit it to Ms.
19 Vinsons and I, because we sort of considered stuff
20 that was actually done after the agenda got posted,
21 and it's difficult to do, to make sure that we stay
22 within the confines of the law. So I - it would be
23 greatly appreciated by everybody that as soon as you
24 know you want to talk about something, please let us
25 know so that we can figure out how to get it on the

1 agenda. Yes, Commissioner Deslauriers.

2 COMMISSIONER DESLAURIERS: Just a question
3 about - the thing that I mentioned about having our
4 own domain, or that says mauicharter.com, something
5 like that, and having a drop-down menu where people
6 can put their input - is that something that we'd wait
7 until the next meeting to decide something like that?
8 Or is that something that we can move forward with?

9 CHAIR COLLINS: That's something we're going to
10 have to put on the next agenda. There have been some
11 issues with what is presently on our webpage, and
12 there's apparently some IT policies, and etc., etc.
13 So that, we can definitely put on the next agenda, to
14 get some clarity. Are there any other topics?
15 Commissioner Mardfin?

16 COMMISSIONER MARDFIN: Thank you very much, Mr.
17 Chairman, for running an - as efficient a meeting as
18 you can when you have a lot of cats running around.

19 CHAIR COLLINS: Thank you. Thank you. Any
20 other topics for the next meeting? Yeah, I'm - I -
21 one thing is that if the Molokai meeting is, is has,
22 has been historically - I don't know that we're going
23 to get much business done. But we, we'll try to get
24 through as much as we can. But I, I expect that there
25 will be more testimony than this time, for sure.

1 Okay. So are there any other - any other
2 announcements? Yes, I see you, Mr. Mayor, but I'm not
3 calling on you because you're not a member, and I want
4 to end the meeting. But you can tell us --

5 DICK MAYER: Okay.

6 CHAIR COLLINS: -- as soon as we're adjourned,
7 or you can tell me as soon as we're adjourned. Are
8 there any other, any other items that - for the next
9 agenda that anybody wants to mention before the
10 meeting is adjourned? Okay. Are there any other
11 matters that need to be mentioned before the meeting
12 is adjourned? Commissioner Kuoha?

13 COMMISSIONER KUOHA: I'm sorry. For agenda
14 items, I, I think I - can we continue talking about
15 community engagement and, and the process? Or --

16 CHAIR COLLINS: Absolutely.

17 COMMISSIONER KUOHA: -- is that automatic.
18 Okay. And --

19 CHAIR COLLINS: Absolutely. And that --

20 COMMISSIONER KUOHA: And some way --

21 CHAIR COLLINS: -- has to be discussed --

22 COMMISSIONER KUOHA: -- some way of talking
23 about our larger process, as well.

24 CHAIR COLLINS: Yeah. That - and that has to
25 be discussed before we schedule the meetings. And

1 that's why it's - the, the scheduling of meetings is
2 going to take more than five minutes, because that has
3 to be discussed. Okay. Commissioner Deslauriers?

4 COMMISSIONER DESLAURIERS: Just a
5 clarification. The memes that we went through -
6 people can pick and choose. Is Richelle going to then
7 send that to all the Commissioners so that they could
8 utilize that over the next couple of weeks?

9 CHAIR COLLINS: I - yes, I believe that Ms.
10 Vinsons actually emailed a - it to everybody this
11 afternoon.

12 COMMISSIONER DESLAURIERS: Okay.

13 CHAIR COLLINS: Okay?

14 COMMISSIONER MARDFIN: Well, I got mine. It,
15 it was in a, in a zip package. You had to extract it.
16 But all - I had all nine of 'em, or 10 of 'em.

17 COMMISSIONER DESLAURIERS: Okay.

18 CHAIR COLLINS: Yeah. Okay. Any other
19 matters, announcements? Okay. Please email me if you
20 would like anything on the agenda, so that we can - as
21 soon as you have it in your mind. And if there's no
22 other matters, and there are no objections, the
23 meeting will be adjourned at 10:04 p.m. Thank you
24 very much for sticking around with very little recess.

25 COMMISSIONER CANTO: Well, goodnight.

1 COMMISSIONER OLSON: Have a very good Friday
2 tomorrow.

3 MALE SPEAKER: Good night.

4 COMMISSIONER MARDFIN: Aloha.

5 MALE SPEAKER: Sleep well.

6 CHAIR COLLINS: Yeah.

7

8 (END OF MEETING)

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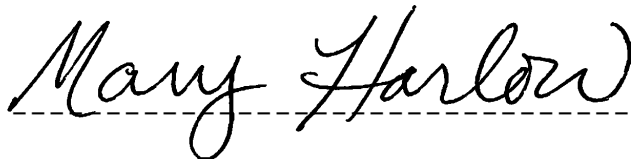
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I declare under penalty of perjury under the laws of the state of Hawaii that the foregoing is true and correct.

Dated this 21st 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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