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FIRE AND PUBLIC SAFETY COMMISSION

COUNTY OF MAUI

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held via BlueJeans, commencing at 10:01 a.m., on
May 26, 2021.

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

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ATTENDANCE

COMMISSION MEMBERS PRESENT:

Kyle Ginoza, Chair

Lisa Vares, Vice Chair

Dwight Burns, Member

Donna Sterling, Member

Punahuele Alcon, Member

Max Kincaid, Jr., Member

Dylan Andrion, Member

STAFF:

Richard Kawasaki, Assistant Fire Chief

Moana Lutey, Corporation Counsel

Gary Murai, Deputy Corporation Counsel

Richelle Wakamatsu, Commission Secretary

Misty Cordeiro, Office Operations Assistant

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(May 26, 2021, 10:01 a.m.)

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CHAIR GINOZA: Good morning. It's 10:01, Wednesday, May 26th, and my name is Kyle Ginoza, chair of the fire and public safety commission. I'd like to call the public safety -- fire and public safety meeting -- commission meeting to order. And let's -- good morning, everybody, and welcome. I'd like to start off with the roll call.

So, Lisa Vares. Is Lisa here yet? She'll be on.

Gregg Lundberg. Gregg?

(No response.)

CHAIR GINOZA: Dwight Burns. I see Dwight.

COMMISSIONER BURNS: Here.

CHAIR GINOZA: Okay. Donna Sterling.

COMMISSIONER STERLING: Here, Chair.

CHAIR GINOZA: Hi, Donna.

Punahuele Alcon.

COMMISSIONER ALCON: Here.

CHAIR GINOZA: Max Kincaid, Jr.

COMMISSIONER KINCAID: (Gesturing.)

CHAIR GINOZA: Hi, Max.

And Dylan Andrion.

COMMISSIONER ANDRION: Good morning.

CHAIR GINOZA: Good morning.

And for those of you who are wondering, Dylan is our

1 new commissioner. So I don't know if you want to just say a
2 few words about yourself, because we -- and I don't know even
3 if I pronounced your name correctly, so why don't you just say
4 a few -- a few things about yourself.

5 COMMISSIONER ANDRION: You got it right, Chair. So
6 it's Dylan Andrion. I'm so thrilled to be with each of you.
7 And I've been chewing through meeting minutes to kind of catch
8 up to where everyone is at and really excited to serve. I
9 think you can go and rewatch my interview that I had with the
10 county council. They asked some really good questions and my
11 brain has continued to turn on all of them. So grateful for
12 the opportunity to serve alongside each of you and serve Maui
13 County. Thanks, Chair.

14 CHAIR GINOZA: Thank you.

15 And for resources, I see we have Gary, and I think
16 Moana also joined.

17 Richelle, who -- who do you have with you?

18 MS. CORDEIRO: Good morning.

19 ASSISTANT CHIEF KAWASAKI: Hi, morning. So this is
20 Misty, she's the one that's gonna be helping with the upcoming
21 meetings, and then we have Chief Kawasaki as well.

22 CHAIR GINOZA: Okay. Great. Thank you.

23 Did I miss anybody?

24 (No response.)

25 CHAIR GINOZA: Okay. I hope everyone had a chance

1 to review the April 15th meeting minutes from the last time.
2 Does anybody have any questions or need time to review the
3 meeting minutes from the last meeting?

4 (No response.)

5 CHAIR GINOZA: Okay. Seeing none, can I have a
6 motion to accept the -- approve the minute from the last
7 meeting?

8 VICE CHAIR VARES: Motion to approve.

9 COMMISSIONER BURNS: Second.

10 CHAIR GINOZA: Oh, hi, Lisa.

11 Sorry, would -- would somebody -- is there a motion
12 to approve the meeting minutes?

13 COMMISSIONER BURNS: Motion to approve.

14 CHAIR GINOZA: Thank you, Dwight.

15 Any second?

16 COMMISSIONER STERLING: Second. Commissioner
17 Sterling.

18 CHAIR GINOZA: Thank you, Donna.

19 All in favor, raise your hand.

20 (Response.)

21 CHAIR GINOZA: The only one I don't see is Punahele.
22 Are you okay with it?

23 (No response.)

24 CHAIR GINOZA: Okay. We have at least five, so the
25 approval of the minutes passed.

1 So do we have anybody signed up for public
2 testimony, Richelle?

3 ASSISTANT CHIEF KAWASAKI: Not through me, unless
4 someone who's logged on has something to say.

5 CHAIR GINOZA: Anyone on the minute -- okay. So we
6 don't have anybody signed up, but is there anybody
7 participating in the call today that wishes to testify?
8 Please unmute yourself and speak up.

9 (No response.)

10 CHAIR GINOZA: Okay. Seeing none, I'll close public
11 testimony, and we'll move on to new business, which is discuss
12 the fire chief -- upcoming fire chief vacancy. So I'll
13 briefly go over the staff report for the first item under new
14 business. So according to the department, we had advertised
15 for the -- the chief vacancy in the Maui News from April 16th
16 through the 27th every day and then as well in the
17 Star-Advertiser from the April 19th to the 23rd, and as of
18 the -- as of when the posting closed, we received two
19 applications. Anybody have any questions about the process
20 that -- that we've undergone so far? So, where we stand right
21 now is we have two applications that will be in front of the
22 commission.

23 (No response.)

24 CHAIR GINOZA: So what I'd like to go over next is
25 how we proceed through the process. And as I mentioned at the

1 last meeting, there is the opportunity to create a -- what is
2 formally called a permitted interaction group, which is a
3 smaller group consisting of no more than the majority of the
4 members. But I don't want to mix it up, so we have Gary Murai
5 from corporation counsel who will explain what some of the
6 benefits and drawbacks of -- of creating a permitted
7 interaction group, and then we can decide whether or not
8 that's the way we want to proceed with how we evaluate the
9 applications and proceed.

10 Gary.

11 MR. MURAI: Thank you, Kyle.

12 Good morning, everybody. What I'm going to talk
13 about very briefly is whether or not the commission feels that
14 it's most expedient and efficient to form a permitted
15 interaction group, or the acronym is -- well, we call it a
16 TIG, a temporary interactive group, probably because permitted
17 interactive group means PIG, and, you know, I guess it's nicer
18 to call it a TIG. But as you -- Commissioners, as you know
19 from your experience, all of our meetings are subject to the
20 Sunshine Law, which means that all commission business is done
21 in the open where the public is invited to come and watch and
22 observe if they want. Now, there are exceptions to this rule,
23 and one of the exceptions is -- that allows the commission to
24 do some of its work outside of a regular meeting setting is if
25 the commission votes to approve the formation of a temporary

1 interactive group or a TIG. A good way to think about it is
2 forming a subcommittee.

3 Now, in exchange for the ability of the TIG to meet
4 without having to set up the meeting, without opening the
5 meeting to the public, or without having a majority of the
6 members present is to form a TIG. And on the one hand,
7 this -- this may seem to defeat the purpose of the open
8 meetings law, but it does have a -- some other burdens on it.
9 Like, for example, the TIG can meet privately, and they can
10 discuss confidential matters, they cannot take action. They
11 cannot, you know, make agreements, they cannot vote in
12 private, all they can do is they're going to come up with a
13 report to recommend to the full commission. And even then,
14 the commission cannot vote on that report yet; they have to
15 schedule a second meeting to approve it.

16 So it's a three-step process, and we're at step one
17 today. If the commission decides, you know what, it just
18 makes sense to form a TIG so the TIG can do things like they
19 can come up with the interview questions, they can prepare the
20 scoring sheets, they can -- they can talk about whether -- how
21 they're gonna do the interviews, how they're gonna schedule,
22 where they're gonna do the interviews, all of that stuff.
23 Now, the TIG cannot say, okay, this is how it's gonna be. All
24 they can do is recommend to the rest of you folks; this is
25 what we've proposed. Now, obviously, some things like what

1 the interview questions are, are gonna be highly confidential,
2 you know, so that's why it's not practical and not fair to the
3 applicants if the questions were revealed in public. So the
4 TIG has, you know, a lot of responsibilities and -- anyway,
5 that's kind of the general concept.

6 The -- if the commission decides, no, you know what,
7 we don't need a TIG, we can handle this on our own, that's
8 fine too, but just keep in mind that all of the commission's
9 work has to be done in a meeting setting. And while there may
10 be situations where the TIG -- or the commission has to go
11 into executive session, you know, that presents its own
12 challenges as far as being, you know, cumbersome and -- well,
13 basically, humbug.

14 What we really want is a fair and open process,
15 which is why even if the TIG says, okay, this is how it's
16 gonna be, this is what we recommend; it's not just adopted
17 immediately. Let's say a TIG is formed today; at the next
18 meeting, the TIG will be reporting back to the commission,
19 this is what our proposal is for how we're gonna do this, and
20 then even then, you cannot vote yet. We have to set another
21 meeting down the road so that the public has a chance to weigh
22 in on what the plan is. Now, the public may be able to see
23 like, you know, what the timeline for scheduling is and all of
24 that, but, still yet, things like scoring sheets, interview
25 questions will be kept confidential.

1 Any questions about forming the TIG, why we do it,
2 pros and cons, what if we don't do it, anything like that
3 from -- from the members?

4 COMMISSIONER STERLING: Yeah. Can you -- this is
5 Commissioner Donna. I'd like to know, what is the TIG -- I
6 know the TIG, you explained to me, but what are the advantages
7 of bringing it all to the commission instead of the TIG?
8 What -- what advantage --

9 MR. MURAI: Well -- well, I guess the advantage
10 might -- well, I -- I can't think of any, like, practical or
11 procedural advantages. I would say the biggest, you know,
12 reason for not forming a TIG is all nine members want to
13 have -- you know, participate in the process from beginning to
14 end, you know.

15 And, you know, I know that I mentioned this at the
16 last meeting and, you know, hypothetically, one thing the TIG
17 could do is let's say there were 12 applicants and we all
18 agree that you know what, we're not gonna interview all 12,
19 it's just too many, one thing the TIGs can do is they can
20 narrow down the 12 to maybe, say, the top three, four, or five
21 candidates. And, you know, that's one function, is to
22 expedite and streamline things. Now, in our case, you just
23 heard the chair report that we have two applicants. Of
24 course, you know, we're not prepared to disclose who the
25 applicants are, so please keep that in mind. We -- you know,

1 we can say there are two, but -- so one thing that the TIG
2 theoretically could think about is, well, is two enough? You
3 know, if the two are strong candidates and either one would do
4 a great job, then maybe two's enough. If the TIG, for the
5 sake of discussion, were to say, you know what, even these two
6 don't meet the minimum qualifications, we have to reopen it.
7 That's something that the TIG could decide too. Or they could
8 say, you know what, we have two pretty good applicants, but we
9 want to cast our net wider and see what else is out there. So
10 the TIG could say, you know what, we're going to reopen the
11 deadline and look for more applicants.

12 Now, I'm not saying that the TIG is gonna do these
13 things. These are all hypotheticals, and I kind of base that
14 on, you know, my experience, you know. Earlier this year, I
15 worked with the liquor commission in helping them select their
16 director, and they used a TIG, and that TIG worked really hard
17 because they reviewed all the applicants, you know, they did
18 things like -- they even hired a headhunter to go recruit, you
19 know, applicants. They also reopened their applications. I'm
20 not saying that that's going to happen here, but these were
21 all things that we relied on our TIG to do, you know.

22 Now, so like -- so, Commission Sterling, you asked
23 like what if we don't do it, then all the things I talked
24 about would be the kuleana of the entire commission. Now,
25 even if you form a TIG, it doesn't mean that the rest of the

1 commissioners have no say; they still have say (inaudible)
2 approve whatever the TIG recommends.

3 Anybody else have any questions?

4 COMMISSIONER STERLING: Thank you. Thank you, Gary.

5 COMMISSIONER ANDRION: I do have a question.

6 MR. MURAI: Go ahead.

7 COMMISSIONER ANDRION: Gary, my question is you've
8 explained how the function of a TIG or a permitted interactive
9 group in a function where they're planning things, getting
10 questions together. Am I misunderstanding, is there a -- also
11 an investigative function that they would --

12 MR. MURAI: Yes.

13 COMMISSIONER ANDRION: -- participate in?

14 MR. MURAI: Yes. Well, there is an investigative
15 function if they choose that they want to do that. You know,
16 in other words, they can -- I mean, I'm not saying that it's
17 a -- that it's necessary in this case, but they could do
18 background checks, they could go out and solicit information
19 on their own, and they could, you know, then make
20 recommendations. TIGs could also hire consultants if they
21 choose, so it's -- you know, and the other thing -- and so,
22 Dylan, you reminded me of the other thing that a TIG is
23 required by law to do, is when a TIG is formed, we must name
24 the members and define the scope of their authority.

25 And later on, if there is a motion to form the TIG,

1 I've -- what I've done is I've taken the scope -- you know,
2 one thing about us lawyers, you know, we -- we're basically,
3 you know, a lazy bunch and we don't like to start, you know,
4 to draft everything from scratch. So I took the scope of
5 authority from the liquor commission recruitment and I've
6 revised it to fit the fire commission. It's just a draft, but
7 when we get to that point, I'm gonna screen share that
8 document and we're free to accept, modify, or just redo the
9 whole thing.

10 So, Dylan, did I answer all your questions?

11 COMMISSIONER ANDRION: Yeah. And, actually, you
12 touched on my next question, which was I was gonna ask you to
13 clarify, right, 'cause you were sharing if the TIG decided to
14 reopen, for example, the application, I was wanting you to
15 clarify if that's a decision the TIG makes or that they bring
16 to the greater body to recommend, but it sounds like we would
17 have to decide the exact scope of work for the TIG, is what
18 you're saying.

19 MR. MURAI: Right, right. Yes.

20 COMMISSIONER ANDRION: Okay. And I guess my other
21 question would be: Is there any -- since you've worked with
22 different TIGs, are there some blind spots or things that we
23 should be careful of if we did form that, just so that we can
24 be above reproach and not, I don't know, have anything weird
25 accused of us, if that makes sense.

1 MR. MURAI: You know, Dylan, I'm glad you raised
2 that because, you know, I've -- I've been working for the
3 county long enough to have witnessed the selection of fire
4 chiefs, police chiefs, liquor control directors, and one thing
5 I would urge all commissioners is -- you know, because we need
6 to -- I urge us all to protect the integrity -- the integrity
7 of the process by doing things like maintaining
8 confidentiality and privacy rights of the applicants until the
9 commission's ready to disclose who they are. I would
10 encourage you to all follow the Sunshine Law and not discuss
11 commission business outside of a meeting setting unless it is
12 permitted by the law. In other words, in a TIG or, you know,
13 commissioners can talk story about, you know, the -- you know,
14 this whole thing outside of a meeting, but they cannot make
15 agreements on how they're going to vote, they cannot engage in
16 serial communication. In other words, I call you; you call
17 So-and-So, and, you know, that kind of thing.

18 We need to do this because, you know, I tell you
19 folks what, no matter what we do, people are going to
20 criticize -- criticize us, people are gonna allege that there
21 was information leaked, there's gonna -- so the best thing we
22 can all do is play it straight and so that we can say, no, you
23 know, all commissioners, they -- they followed the rules, they
24 maintained the integrity and -- of the process by not, you
25 know, straying outside of the scope of our authority or that

1 kind of thing.

2 And I say this from, you know, having witnessed past
3 chief recruitments, you know, like say in fire and police and
4 in liquor, where, you know, people -- there are rumors, rumors
5 abound, you know, commissioners get -- get criticized and, you
6 know, quite often from people who really don't know what
7 they're talking about, but, you know, we don't need that kind
8 of distraction. So the best thing we can do is follow the
9 rules and play it straight.

10 You know, another thing I just wanted to mention
11 while we're on the topic is as commissioners, people in the
12 community may call you up or email you or text you and say,
13 you know, hey, Dylan, you on the fire commission, yeah? You
14 know, I'd like to tell you about So-and-So and this and that
15 and, you know, my concerns about this. I think the best thing
16 you can do is say, well, I really can't comment, I cannot
17 really respond; however, I really do encourage you to -- if
18 you feel strongly enough, to go submit public testimony, you
19 know. You have the right to come before the commission and
20 testify, either in person or in writing, you know, what you
21 feel about a particular -- well, you know, about a candidate
22 or -- or what they think is important, you know, in the
23 qualities that they want for -- for a chief.

24 CHAIR GINOZA: Are there any other questions?

25 (No response.)

1 CHAIR GINOZA: Does anybody want to discuss what --
2 their feelings about the TIG? I mean, I'd give you an idea,
3 like for me, as I mentioned the last meeting, I was part of
4 the selection of the fire chief the last time, and we did form
5 a -- one of those permitted interaction group or permitted --
6 whatever it's called interaction group. And, like Gary
7 mentioned, because it afforded a little bit -- being a little
8 bit more nimble and -- to have not an unwieldy discussion.
9 You know, we -- that group still just provided recommendations
10 to the larger group, so the larger group still was involved in
11 the process, so we didn't feel like anybody was left out in
12 any sense. But it does just afford greater flexibility in
13 trying to get through the scope of -- of what is within that
14 interaction group.

15 VICE CHAIR VARES: I have a question.

16 CHAIR GINOZA: Yes.

17 VICE CHAIR VARES: Can you hear me okay?

18 CHAIR GINOZA: Yep.

19 VICE CHAIR VARES: Okay. If we do not form a TIG --
20 I'm just trying to make sure that I've got the parameters. If
21 we do not form a TIG, then as we discuss possibly confidential
22 facts and the whole process, every -- every time we talk about
23 something (inaudible) confidential, we need to break away into
24 an executive meeting? Is that --

25 CHAIR GINOZA: So, Lisa, you're -- Lisa, you're

1 cutting out a little bit, but I can try to kind of explain I
2 think what -- where you're getting at.

3 So if we don't form the TIG, then as a -- as a
4 group, we have to do the Sunshine -- we would do the Sunshine
5 Law and when we discuss -- say, you know, if the scope of the
6 TIG is to determine if the -- the posting was appropriate, if
7 the candidates were fine, what the interview questions, what
8 the process, the ranking sheets and so forth, we'd have to --
9 we would create an executive session portion on the agenda
10 where we'd recess the regular meeting, go into executive
11 session, and as a group discuss these -- these items. Where
12 it complicates things is if we have a very lengthy discussion
13 and we -- we run out of time, then we'd have to wait to be
14 able to reagendize a meeting to be able to continue the
15 executive session. And so I don't think there's any --
16 procedurally, I mean, it'll be -- I mean, from a confidential
17 perspective, we'd still discuss the same kinds of things that
18 would be confidential in the TIG in an executive session
19 where -- it's not like just because it's a public meeting,
20 that all of a sudden everybody will know what the discussions
21 and the questions are.

22 And, Gary, you could clarify if I got anything
23 wrong, please.

24 And if that was your question, Lisa.

25 MR. MURAI: No, Kyle, you're correct. You know, if

1 the commission decides, no, all nine of us can handle this on
2 our own; we have to set a meeting, agendize the meeting, and,
3 with the -- with the minimum six days notice. And then when
4 we -- you know, the things we can discuss in public, we will,
5 but, most likely, the bulk of the things would be executive
6 session things, so we would have to go into executive session.
7 Which is not a problem, but, like I said, it's a little -- I
8 think you said the word nimble. A TIG is a lot more nimble
9 and -- but -- and -- and the trade-off for that nimbleness or
10 that being able to shift gears, you know, quickly, it still
11 has to, you know, present it to the full commission and you've
12 still gotta give the public the opportunity to weigh in on it
13 and come and testify if they want to.

14 So both -- both are -- have their pros and cons. If
15 we did as a full commission, you know, we could deliberate and
16 act at the same meeting, but, then again, like you pointed
17 out, Kyle, sometimes it -- if you do it in a meeting setting,
18 it just -- it may take longer because you could run out of
19 time and/or people have to leave, you lose quorum, you know,
20 things like that.

21 VICE CHAIR VARES: And, Gary, for the board to do in
22 a full meeting, everyone would've had to have done their --
23 all of the same homework prior to that meeting.

24 MR. MURAI: Well, ideally, yeah, because everyone --
25 you know, we all -- we all need to be as prepared, you know,

1 as we can be. Right, you know, you're right, we all have to
2 be prepared.

3 You know what, Kyle, I -- I don't mind speaking
4 generally about, you know, the concept of TIGs or no TIG, but
5 I think if we want to get into the nuts and bolts of -- of a
6 TIG, like, in other words, what the scope for this particular
7 one is gonna be, my suggestion is that you solicit a motion --

8 CHAIR GINOZA: Okay.

9 MR. MURAI: -- to form the TIG, and that way we
10 can -- you know, even if it's just for the sake of discussion,
11 have a motion pending and then that way we can -- I can also,
12 you know, go over with you my -- my suggestion for, you know,
13 the ground rules for the TIG.

14 CHAIR GINOZA: Okay. Thank you, Gary.

15 Yeah, so -- Donna, do you have a question?

16 COMMISSIONER STERLING: Sorry. I agree with corp.
17 counsel Gary, I think we should make the motion and then get
18 into the -- what he has as a sample, we can look at it.
19 That'll keep it moving.

20 CHAIR GINOZA: Okay. Is there a motion to create a
21 permitted interaction group?

22 VICE CHAIR VARES: I'd like to propose a motion
23 to --

24 COMMISSIONER STERLING: I'll make the motion.

25 CHAIR GINOZA: Oh. Lisa, Lisa made the motion. Is

1 there a second?

2 COMMISSIONER STERLING: I second.

3 CHAIR GINOZA: Okay. Donna seconds. Is there any
4 discussion?

5 (No response.)

6 CHAIR GINOZA: Okay. All in favor of creating a
7 permitted interaction group, please raise your hand.

8 (Response.)

9 CHAIR GINOZA: So I see Donna, Lisa, Dylan,
10 Punahuele, and Dwight.

11 So is there anybody against a permitted interaction
12 group forming?

13 (No response.)

14 CHAIR GINOZA: Okay. I see none, so motion passes.
15 Gary.

16 MR. MURAI: Okay. Great. Okay. So the -- the TIG
17 has been formed. Now, why don't we go over what the scope of
18 the TIG's authority is going to be.

19 And, Richelle, can you put up the document for me,
20 please.

21 CHAIR GINOZA: So while we wait for that, what I'll
22 ask for after Gary goes over the proposed scope of the TIG is
23 to see who might be interested in serving on the TIG, so kind
24 of think about your commitments over the next two or three
25 weeks or so to decide whether or not you would be interested

1 in serving on the TIG, Members.

2 MR. MURAI: Oh, you know what, I think at -- at
3 the -- at fire, they lost -- oh, no, there. There it goes.
4 Okay. Great. Thanks. Thanks, Richelle.

5 Can everybody see that? You know, on my screen it
6 looks kind of small, so I -- if you don't mind, Kyle, I'll --
7 can I just go over it briefly?

8 CHAIR GINOZA: Absolutely.

9 MR. MURAI: Okay. So I'm -- I'm just gonna kind of
10 skim over the -- the high points on this. The -- again, this
11 is a suggestion now. You folks can say, no, Gary, we don't
12 like this, you know, we want to add, we want to take this out,
13 or whatever. But I have stated as the purpose of the TIG is
14 to assist the commission in selecting the most qualified
15 candidate for the position of fire chief and to report to the
16 commission as a whole its recommendations for the process for
17 selecting the candidates to be considered by the commission.
18 The purpose of the TIG is to review the recruitment for the
19 vacancy and whether the notice published in the newspapers was
20 appropriate, to establish the interview process itself,
21 including preparing the questions, scoring sheets, to request
22 documents and records, in other words, personnel records, if
23 appropriate, to conduct an investigation into the backgrounds
24 of potential candidates with the goal of presenting the
25 commission with the best candidates available. The TIG may

1 consult with the corp. counsel, with HR personnel, with -- or
2 with any -- you know, basically, any outside source where
3 necessary.

4 At the end of its investigation, the TIG is going to
5 create a report to the commission, which will include a list
6 of the potential candidates for them to consider. The report
7 may include background investigation and data on the potential
8 candidates who are being presented for consideration. And
9 also, that's the blank space in case the -- you folks want to
10 add a rule. And, of course, like I said, you can also take
11 out, modify, or whatever.

12 Richelle, can you go to the next page, please?

13 Okay. Next, these are -- these are suggested rules
14 for the TIG itself. Number one, the TIG is only gonna talk
15 about the things that they are authorized to talk about, you
16 know, with the members of the TIG only. For the TIG to meet,
17 you must have a quorum; in other words, if there's three
18 members, you need two people; if there's four members, you
19 need three people. You can only -- you can -- let's see,
20 discussion of the matters related to the purpose and scope of
21 the TIG is only permitted during the discussion called and
22 convened by the TIG or the TIG chair. So, in other words,
23 again, even TIGs, you must do your business in a TIG meeting.
24 I -- the TIG will then support -- will submit a report to the
25 commission and, you know, I -- I left the date blank because I

1 think that's probably something for the TIG to determine, you
2 know, when they think they'll be ready for their -- with their
3 report.

4 And, again, I added that the TIG members also are
5 subject to maintaining confidentiality of the matters deemed
6 confidential. Now, that may seem kind of like weird or odd,
7 but there are things that the TIG can disclose publicly, like,
8 you know, when they're gonna meet next. There are things that
9 the TIG probably should not disclose like, you know, for
10 example, what kinds of questions they're gonna ask or what the
11 scoring sheets look like.

12 At the -- and at the end, it just basically talks
13 about what the schedule is for receipt of the TIG
14 recommendations, then scheduling a vote on the TIG
15 recommendations. Now, once the TIG submits its report, they
16 are pau, they will be dissolved, and, you know, because their
17 work is pau, and from then on, you know, the ball is in the
18 commission's court.

19 So if -- if this is acceptable to you folks, then I
20 would suggest that we adopt this. If anyone wants to tweak
21 it, that -- we can also discuss that as well. But I suppose,
22 Kyle, we'll need to call for a motion, even if the motion is
23 just to -- to accept the -- these proposed guidelines or this
24 proposed scope for discussion purposes subject to amendment,
25 subject to approval.

1 CHAIR GINOZA: I had a --

2 COMMISSIONER STERLING: Chair.

3 CHAIR GINOZA: Oh, go ahead, Donna.

4 COMMISSIONER STERLING: Yeah, go ahead. No, go
5 ahead, Chair. Go ahead.

6 CHAIR GINOZA: So a couple things --

7 COMMISSIONER STERLING: But my question was --

8 CHAIR GINOZA: Go ahead. Go ahead.

9 COMMISSIONER STERLING: Do we take minutes if we
10 were on the TIG? Are there minutes logging when we meet and
11 our discussions? Is that priority? Is that --

12 MR. MURAI: Donna, that's up -- that's up to the
13 TIG. They are not required to keep detailed minutes, you
14 know, basically, their -- their product or the distillation of
15 their work is their report. But, certainly, the TIG may --
16 you know, you're -- TIG members are allowed to keep notes, the
17 TIG may decide at day one to -- to create minutes for
18 themselves, and that's -- that's up to -- that's up to the
19 TIG.

20 CHAIR GINOZA: Does any other commissioners have any
21 questions?

22 (No response.)

23 CHAIR GINOZA: Gary, a couple things I -- I thought
24 we could note too as part of the scope is, one, not only to
25 make sure that the recruitment was adequate, but also that the

1 TIG could evaluate whether or not the candidates meet the
2 minimum qualifications, and then as well, whether or not the
3 number of applicants are sufficient or there should be another
4 recruitment. I don't know if we would need to specify that or
5 we need a vote, but that was a -- those were a couple of
6 things that I thought -- I don't -- I don't know who does that
7 analysis because personnel isn't involved.

8 MR. MURAI: Okay. Let's see. So, Kyle, do you want
9 to -- well, you can solicit a -- well, or we can agree that,
10 you know, you can -- well, a formal way would be for someone
11 to make a motion to amend this, but it's up to you, Kyle. I
12 think what we can do is if by -- by consent, we can add stuff,
13 take stuff out, and then vote on the final -- final product.
14 So if everyone agrees that we can, you know, add that in as an
15 amendment, why don't you ask whether there's any objection to
16 adding that?

17 CHAIR GINOZA: Okay. Is there any objection to --
18 to adding that from any commissioner?

19 VICE CHAIR VARES: Could you repeat your additions
20 you'd like to make?

21 CHAIR GINOZA: Sure, Lisa. So I'd like for the --
22 you know, the first thing that Gary had mentioned was to
23 review the recruitment itself, but I'd also like for the TIG
24 to -- as listed as minimum requirement or -- yeah, minimum
25 qualifications for the position, to kind of review the

1 applications and determine if the applications have met the
2 minimum requirements; and then, second, after seeing that,
3 obviously, we have two applicants, to make -- to kind of make
4 a recommendation if the -- the -- sorry, the recruitment was
5 fine and that if the TIG believes that the two -- you know, we
6 should go forward with the process. So to kind of just make
7 that initial analysis. Maybe that -- and that's just one --
8 really, both comments are one and the same, just making sure
9 that the minimum qualifications are met.

10 MR. MURAI: Okay. So, Kyle, I just -- I'm taking
11 notes here, and if I can sum up what I -- what I think you
12 said. You want to add to the scope of the TIG review the
13 applications and determine whether the applicant meets the
14 minimum qualifications for the position and whether the pool
15 of applicants is -- is sufficient.

16 CHAIR GINOZA: Perfect.

17 MR. MURAI: Okay.

18 CHAIR GINOZA: Does any commissioner object to that
19 language -- adding that language to Gary's proposed scope?

20 (No response.)

21 CHAIR GINOZA: Seeing none, okay, thank -- oh.

22 VICE CHAIR VARES: No, I -- I move to add it.

23 CHAIR GINOZA: Okay. Thank you, Lisa.

24 So I guess -- Gary, so do we just -- do I just ask
25 for a motion and, basically, assent for accepting this

1 proposed scope, and then we move on to figuring out which
2 members are interested, or interested members first and then
3 approving the -- the TIG?

4 MR. MURAI: You know what, Kyle, why don't we do
5 this? Why don't we approve the scope first and then appoint
6 the members?

7 CHAIR GINOZA: Okay.

8 MR. MURAI: And, again, before we do that, just
9 remember, the -- the TIG can be no more than four. It cannot
10 be more than a quorum. So a TIG can be two, three, or four
11 people, in our case, because we have nine members total.

12 CHAIR GINOZA: Okay. Can I have a motion to accept
13 the proposed scope of the TIG as shown on the screen and
14 amended?

15 COMMISSIONER BURNS: Motion to accept.

16 CHAIR GINOZA: Thank you, Dwight.

17 Moving -- do I have a second?

18 VICE CHAIR VARES: Second.

19 CHAIR GINOZA: Was that Lisa?

20 VICE CHAIR VARES: Yeah.

21 CHAIR GINOZA: Lisa, thank you for the second.

22 All in favor, raise your hand.

23 (Response.)

24 CHAIR GINOZA: Okay. Motion passes.

25 So let's talk about who might be interested in

1 serving on the TIG. Could you speak up if you're interested
2 in serving on the TIG?

3 COMMISSIONER ALCON: I have a question. This is
4 Puna. Can you hear me?

5 CHAIR GINOZA: Yes.

6 COMMISSIONER ALCON: Before we go forward. So we're
7 being asked to review job applications for a really important
8 position, so --

9 CHAIR GINOZA: Yes.

10 COMMISSIONER ALCON: -- is there someone with
11 background in human resources that can really review the
12 application to make sure that the requirements are actually
13 met? Because sometimes it's not that easy to evaluate an
14 application against requirements and, you know, we do it at
15 the hospital, so you need to have somebody with some kind of
16 HR experience that can kind of measure if it actually meets
17 it. Because sometimes you'll have somebody that says, oh,
18 it's close enough, but the person really doesn't meet the
19 requirements. And then will you allow, you know, life
20 experience to meet something that they may not technically
21 meet on paper? So what do you guys normally do in that case?

22 CHAIR GINOZA: My understanding is because this is
23 not a civil service recruitment, the commission itself is
24 the -- the arbiter of what is deemed acceptable or not. And
25 we do have resources available from department of personnel

1 service if we would like to have some -- like a sounding board
2 or, you know, just some feedback on how we interpret or how
3 the TIG interprets maybe some ambiguity in the process.

4 But I saw Gary raise his hand, so Gary could also
5 provide some explanation.

6 MR. MURAI: Yeah. To answer Punahale's question,
7 yeah, you know, we can -- the commission can seek outside
8 expertise. Although this is not a civil service position, we
9 could ask the department of personnel services for assistance.
10 The fire department has an HR specialist assigned to them, and
11 I think we can always talk to her and ask her for her help.
12 There are -- there is one qualification that is carved in
13 stone, and that is in -- from the charter where the fire chief
14 must have a minimum of five years of experience in fire
15 control, of which at least three years shall be
16 administrative, in an administrative capacity. So that is
17 something that, you know, is black and white, you've gotta
18 have at least five years experience, of which three years
19 shall be supervisory. So after that, it's -- it's up to you
20 folks what you feel are important qualities that you'd want to
21 see in our -- in our leader.

22 CHAIR GINOZA: So does that answer your question?

23 MR. MURAI: Sorry. Another thing that I -- not that
24 I think it's gonna be necessary or, you know, but when
25 commissions do this kind of thing, they have the ability to

1 even go out and hire consultants. You know, I'm not saying
2 it's necessary here, but -- one example, the Honolulu Fire
3 Department is selecting a new chief, they decided to use an
4 assessment center, which is, you know, a company that goes
5 out, recruits, tests, evaluates, and then gives you a list of
6 candidates. That's something that takes a long time, and I
7 think it's gonna cost them like \$225,000. So, you know, it's
8 everything from that to what -- you know, to just doing it
9 totally in-house.

10 But, Punahale, if ever -- you know, and I know that
11 you come from a background of having dealt with personnel and
12 HR issues, so that's -- that's a good thing and, you know,
13 it's that kind of awareness that's gonna tell you whether,
14 hmmm, you know what, this is something we might need outside
15 help with or, no, we've got this.

16 COMMISSIONER ALCON: Thank you.

17 CHAIR GINOZA: Does anyone else have any questions
18 at this time?

19 (No response.)

20 CHAIR GINOZA: Okay.

21 MS. WAKAMATSU: Can I make a comment? I don't know
22 if it's gonna make a difference with the forming of the TIG,
23 but right now, we only have eight commissioners because the
24 ninth was not approved yet, so just the number of members of
25 the TIG that might affect it.

1 CHAIR GINOZA: Thank you, Richelle.

2 Gary.

3 MR. MURAI: Well, it -- it should not be, because --
4 yeah, you're -- well, that's a good point. If we only had --
5 let's say we only had seven members -- let's say it was a
6 seven-member commission, then the maximum number of
7 commissioners would be three. But we are entitled -- this
8 board is entitled to nine, and that is what we can base our
9 TIG numbers on, the number of slots we're entitled to. And
10 even though we only have eight, four is still not a majority.

11 COMMISSIONER STERLING: Right. So five. Good
12 question.

13 CHAIR GINOZA: Okay. Any other questions?

14 (No response.)

15 CHAIR GINOZA: So could you speak up if you're
16 interested in serving on the TIG, either raise your hand or
17 say something?

18 (Response.)

19 CHAIR GINOZA: Okay. Donna, Dwight -- I see Donna
20 and Dwight. Anybody else?

21 VICE CHAIR VARES: Chair.

22 CHAIR GINOZA: Lisa.

23 VICE CHAIR VARES: (Inaudible), but yes.

24 CHAIR GINOZA: So I see Donna, Dwight, and Lisa.
25 Anybody else interested in serving on the TIG?

1 COMMISSIONER STERLING: Puna?

2 COMMISSIONER ANDRION: I'm going refrain at this
3 time, but I would want to share that I like the idea of it
4 being a smaller subcommittee and there being three members
5 appointed, then there's more laser focus on -- on what they're
6 trying to accomplish and then there's one less person, like if
7 we had four, kind of being swayed -- I don't know if that's
8 the right word to use, but you know what I mean like it's easy
9 to kind of form the same mindset when you're working so
10 closely together. So if we keep this group to a minimum, that
11 leaves our commissioners more open to what would take place in
12 our regular meetings.

13 COMMISSIONER STERLING: Right.

14 COMMISSIONER ANDRION: If that makes sense.

15 COMMISSIONER STERLING: Right.

16 CHAIR GINOZA: Okay. Great. Thank you, Dylan.

17 Okay. So if there's no objection, we'll go with
18 Donna, Dwight, and Lisa as the members of our permitted
19 interaction group. I guess --

20 Oh, go ahead, Donna.

21 COMMISSIONER STERLING: So I -- I just wanted to
22 speak up now in front of everybody that, you know,
23 Commissioner Alcon, my background is 1990 to '99, I worked for
24 Maui Memorial Hospital in the emergency room as a ward clerk
25 and then credentialed -- the clerk stenographer for the

1 doctors. In other words, I -- we went over their curriculum
2 vitae, their procedures, their narcotic license, DEA, made
3 sure that their procedures were backed up by a certified
4 board. It was very detailed, highly confidential because of
5 malpractice cases.

6 COMMISSIONER ALCON: Uh-huh.

7 COMMISSIONER STERLING: But that's one of the
8 reasons why I felt I was drawn to volunteer for the TIG, and
9 that's -- I just wanted to share that, so if that's any
10 reassurance that we'll look that over.

11 COMMISSIONER ALCON: Oh, I think that's awesome.
12 Medical staff credentialing is even more serious than human
13 resources, so I'm stoked that you're on the committee.

14 CHAIR GINOZA: Okay. Thank you, Donna, and
15 Punahale.

16 So it looks like as part of Gary's thing, we need to
17 have a chair, a vice chair, and a third -- and just a voting
18 member of the TIG. So amongst the three of you --

19 MR. MURAI: You know what, Kyle --

20 CHAIR GINOZA: -- do you have an idea of who --

21 MR. MURAI: Kyle, this is Gary.

22 CHAIR GINOZA: Oh, go ahead, Gary.

23 MR. MURAI: You know what, here's my suggestion, we
24 can pick the people now, or we can let the TIG decide, you
25 know --

1 CHAIR GINOZA: Oh, okay.

2 MR. MURAI: -- who's gonna be the chair, vice chair,
3 you know, that kind of thing.

4 CHAIR GINOZA: Okay. Thank you.

5 MR. MURAI: So I think for the blank spaces, we just
6 fill in the names, and then we'll let them -- we'll let them
7 pick their chair. How does that sound?

8 CHAIR GINOZA: I like it.

9 Okay. Great. So we can move on to -- the last item
10 under new business is moot because we did elect for a
11 permitted interaction group.

12 The last item on our agenda is the next meeting. My
13 suggestion is to not have a set meeting, say like on June 1st,
14 but to wait for feedback from the TIG after they're able to
15 see the applications and have a full understanding of what the
16 scope and what it will take to get through the scope of the --
17 of the, sorry, PIG, and for them to come back to us to decide
18 when the next meeting date should be held. So, for now,
19 unless there's any objection, we'll hold off on June 1st being
20 our next meeting, and once we receive feedback from the
21 permitted interaction group, then we'll establish the next
22 meeting.

23 Is there any comment?

24 COMMISSIONER STERLING: Yes, Chair, comment. So we
25 have June 1st, June 3rd, we've got two others, and then

1 June 17th, so --

2 CHAIR GINOZA: Okay. Let me -- thank you, Donna.
3 So let me clarify. So initially, we had -- or I had thought
4 that we could get -- get some meetings in without
5 understanding, really, what the process entails. And so as I
6 found out the full scope of the -- of the process -- so kind
7 of the way I see it laying out is so we've established the
8 TIG, the TIG will determine -- or permitted interaction group,
9 the PIG will determine how they're gonna meet and what
10 their --

11 COMMISSIONER STERLING: Oh, okay.

12 CHAIR GINOZA: Evaluate the scope, and then at the
13 end of that process, they will decide when their -- their
14 recommendations are available for the full commission. And so
15 that's actually what that June 1st meeting was about, was for
16 the TIG -- the PIG to complete its -- its work and then to
17 report its recommendations to the full commission. So I'd
18 like to hold off on that until whenever they feel comfortable
19 and not to rush the process. And so say that's, as an
20 example, June 15th, so we'll schedule six days before, or
21 however we schedule the meeting on -- because it's a regular
22 meeting, it'll be agendized a week before, and a TIG
23 representative will present to the commission its
24 recommendations, and then from there, we're gonna -- a week
25 later -- at least a week later decide what to do with their

1 recommendations. So I see it being -- so I wouldn't worry
2 about like a June 1st or June 3rd. So it would be maybe --

3 COMMISSIONER STERLING: Okay.

4 CHAIR GINOZA: -- whenever that first meeting that
5 the -- the TIG is ready to present its findings, and then the
6 next regularly scheduled or next, perhaps, special meeting
7 would be to approve its findings or have the discussion on the
8 findings, and then from there, if the commission is in
9 agreement with the recommendations of the -- the interaction
10 group's findings, then we -- then we'd schedule the interviews
11 and -- and go from there.

12 COMMISSIONER STERLING: Okay.

13 CHAIR GINOZA: So perhaps the next meeting on
14 June 17th will be when the -- the TIG provides its
15 recommendations, or perhaps we'll have a special meeting prior
16 to that.

17 COMMISSIONER STERLING: Okay.

18 CHAIR GINOZA: So I'd rather kind of wait to see
19 when -- what your timing -- and as you get into it, you know,
20 it may take two, three, four, six weeks, who knows. And so to
21 not put an undue pressure on the process by setting a meeting,
22 I'd rather kind of just leave it fluid until I receive word
23 from you guys where -- you know, where you feel comfortable
24 providing recommendations, and then we'll schedule a meeting
25 and -- well, check on everybody's availability and schedule

1 either a special meeting or just have it at the next meeting
2 or after that.

3 COMMISSIONER STERLING: Okay. Good. Good, Chair.
4 Thank you.

5 CHAIR GINOZA: Does anybody have any other comments?
6 (No response.)

7 CHAIR GINOZA: Okay. Perfect. Anybody have
8 anything else they want to bring up before we adjourn the
9 meeting?

10 (No response.)

11 CHAIR GINOZA: Okay. Seeing none, I really
12 appreciate for members stepping up to serve on the -- on the
13 permitted interaction group, and I'm sure the rest of us look
14 forward to hearing your findings and --

15 COMMISSIONER STERLING: Permitted interaction group.

16 CHAIR GINOZA: Yeah. Good luck.

17 So thank everyone for being on the call today, and
18 hope everybody has a great rest of the day. It's 10:55 --

19 COMMISSIONER STERLING: Thank you.

20 CHAIR GINOZA: -- and I'd like to adjourn the
21 May 26th fire and public safety commission meeting. Thank
22 you.

23 (The proceedings were adjourned at 10:55 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

 I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on May 26, 2021, at 10:01 a.m., the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

 I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

 DATED this 7th day of June, 2021, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424