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FIRE AND PUBLIC SAFETY COMMISSION

COUNTY OF MAUI

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held via BlueJeans, commencing at 10:08 a.m., on  
June 8, 2021.

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

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ATTENDANCE

COMMISSION MEMBERS PRESENT:

- Kyle Ginoza, Chair
- Lisa Vares, Vice Chair
- Gregg Lundberg, Member
- Dwight Burns, Member
- Donna Sterling, Member
- Punahеле Alcon, Member
- Max Kincaid, Jr., Member
- Dylan Andrion, Member

STAFF:

- Gary Murai, Deputy Corporation Counsel
- Richelle Wakamatsu, Commission Secretary

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(June 8, 2021, 10:08 a.m.)

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CHAIR GINOZA: Okay. Thank you, everyone. We're recording this. My name is Kyle Ginoza. I'd like to call to order the meeting of the fire and public safety commission on Tuesday, June 8th. We're starting at 10:08 a.m., and I apologize for the little bit of a delay.

I'd like to start with roll call first.

Vice Chair Lisa Vares.

VICE CHAIR VARES: Here.

CHAIR GINOZA: Okay. Greg Lundberg.

COMMISSIONER LUNDBERG: Present. Can you hear me?

CHAIR GINOZA: Gregg's here.

Dwight Burns.

COMMISSIONER BURNS: Here.

CHAIR GINOZA: Donna Sterling.

COMMISSIONER STERLING: Here, Chair.

CHAIR GINOZA: Punahuele Alcon. I think she's (inaudible).

Max Kincaid, Jr.

COMMISSIONER KINCAID: Here.

CHAIR GINOZA: And Dylan Andrion.

COMMISSIONER ANDRION: Here, Chair.

CHAIR GINOZA: Thank you.

Is there anybody signed up to testify from the

1 public, Richelle?

2 MS. WAKAMATSU: No, I don't have anybody who signed  
3 up, Chair.

4 CHAIR GINOZA: Okay. Is there anybody on the call  
5 that would like to testify? Please let us know.

6 (No response.)

7 CHAIR GINOZA: Okay. Seeing none, I'm gonna close  
8 public testimony.

9 There's one item of discussion today under New  
10 Business, and it is to receive the recommendations of the  
11 temporary investigative group regarding the recruitment of the  
12 soon-to-be vacant fire chief position. I'd like to note that  
13 no vote will be -- on the amended notice will be taken today.  
14 We shall deliberate and vote during our regularly scheduled  
15 meeting on June 17th next week.

16 After reviewing the announcement that was originally  
17 posted, the TIG realized that there was an error in the  
18 posting and are recommending posting of a new notice of an  
19 imminent vacancy announcement. We have the ability to go to  
20 executive session during this meeting, but my preference is to  
21 not go into executive session unless utterly necessary. We'll  
22 have to go into executive session if we need privileged  
23 information or legal advice from Gary, and so -- however, it's  
24 my hope that we can get through the discussion of the amended  
25 notice without going into a --

1 ZOOM: Recording has started.

2 CHAIR GINOZA: Okay. So, consequently, I hope that  
3 we can just remain in executive session unless the group feels  
4 the need to be in -- to go into executive session.

5 So I'd like to start off with Lisa going over what  
6 the TIG recommendations are for the committee recommendation.

7 VICE CHAIR VARES: Yes, Chair. Thank you. Can you  
8 hear me okay? Can you all hear me all right?

9 COMMISSIONER STERLING: Yes.

10 CHAIR GINOZA: Yes.

11 VICE CHAIR VARES: Okay. Thank you. So the TIG is  
12 comprised of three of us: myself, Dwight Burns, and Donna  
13 Sterling. And when we reviewed the information about how the  
14 vacancy was posted, then (inaudible) our (inaudible).

15 MR. MURAI: Lisa, this is Gary. You're -- you're  
16 cutting in and out, mostly -- mostly out. You know what, if  
17 you disabled your -- your camera, then usually your audio  
18 improves.

19 VICE CHAIR VARES: Okay. Is this any better?

20 MR. MURAI: Oh, a lot better.

21 VICE CHAIR VARES: Okay, okay. Thanks, guys.

22 So as a TIG, when we were -- the very first focus  
23 and scope is to review the recruitment for the anticipated  
24 vacancy and determine whether the notice published in those  
25 papers was accurate. When we were able to compare what was

1 published versus what is found in our -- in our commission's  
2 own rules, it was discovered that we needed to reopen and  
3 republish -- or we're recommending to reopen and republish so  
4 that we fulfill all of the requirements of the commission's  
5 own rules regarding how the vacancy is notified.

6 Do you need to know exactly what those specifics  
7 were?

8 CHAIR GINOZA: Yes.

9 VICE CHAIR VARES: Yes? Should I go on?

10 CHAIR GINOZA: Yes. It would be good to hear.

11 VICE CHAIR VARES: Okay, okay. So we saw that Rule  
12 6102-24 of the fire commission's administrative rules on  
13 paragraph B requires that statewide publication of the vacancy  
14 is published once a week for three straight weeks. Our notice  
15 was published on ten consecutive days in the Maui News and  
16 five straight days in the Star-Advertiser on Oahu. While 15  
17 times published is excellent and more than actually required,  
18 it does not meet the requirements under the rule.

19 Number two, the rules also require that the notice  
20 be circulated throughout the department, and we've been  
21 informed that the notice was posted at the administrative  
22 office but not circulated to the fire stations or emailed out  
23 to the firefighters.

24 And then third, the rules also require that the  
25 notice provide a way for people to obtain additional

1 information regarding the application procedure and  
2 qualifications, and the notice doesn't state that.

3 So our recommendation is to revise the notice and to  
4 republish and to have a copy posted at the fire stations and,  
5 of course, also have it be published correctly to satisfy the  
6 rules of the commission.

7 That's all I've got.

8 CHAIR GINOZA: Thank you. So did the TIG come up  
9 with a recommended amended posting that can be shared with  
10 members, or is it just gonna be shared at the regular -- at  
11 the next meeting?

12 And I see Punahale has joined us as well.

13 VICE CHAIR VARES: Hi, Punahale.

14 We can. I'm wondering, Richelle, do you have a copy  
15 of that that's shareable, or did we need to arrange that ahead  
16 of time?

17 MS. WAKAMATSU: You know what, I don't have it on  
18 this computer. Let me --

19 MR. MURAI: Mr. Chair, I have a suggestion. Because  
20 the commission cannot take action today, today's just for the  
21 receipt of the TIG's recommendations --

22 CHAIR GINOZA: Yes.

23 MR. MURAI: -- which is -- the TIG is saying to  
24 revise the notice and to republish it, what I suggest is that  
25 when the agenda for the June 17th meeting is posted today or

1 the following day, that that proposed amended notice be linked  
2 to it so that the public can see what it says, and, you know,  
3 and the members can, you know, deliberate and vote on it on  
4 June 17th.

5 But I've -- I've seen the notice and what it --  
6 basically, what it does is it takes the existing notice that  
7 was previously posted and corrects the errors that were in the  
8 original notice. So, an example would be like, for example,  
9 the old notice just said -- you know, at the top of the  
10 notice, it just said Fire Chief and the amended notice says,  
11 Amended in the of Anticipated Vacancy, Maui County Fire Chief,  
12 and, you know, so on and so forth. So there's nothing major  
13 to the -- to the guts of the notice, it's smaller details  
14 like -- and it also adds a line about if you have questions  
15 about the application process or qualifications, you know,  
16 there's a contact person and a contact number. So that's  
17 basically it. The other things, the other problems that we  
18 encountered were things like the publication, which Lisa went  
19 over, and a couple of other small things, so -- oh, and also,  
20 you know, posting at the stations.

21 CHAIR GINOZA: Okay, great. So just because I think  
22 some members had some difficulty hearing what Lisa had said,  
23 the three main things were that:

24 We didn't publish in a statewide publication for  
25 three consecutive weeks, so that will be rectified in an



1 amended notice.

2

3 We didn't notice that there's a vacancy for fire  
4 chief; we just posted for -- we just posted for a fire chief  
5 without saying there is a -- impending vacancy.

6 And then, lastly, as Gary had just mentioned, we  
7 didn't put who to contact if there are any questions regarding  
8 the application process or the application.

9 And so, as Gary mentioned, there is an amended  
10 notice that we will deliberate at the next meeting and vote  
11 on. So the purpose of this meeting was just to receive the  
12 recommendations of the TIG and, hopefully, we can get a -- I  
13 can get a motion to accept the recommendations for the TIG to  
14 go to the full -- the next regularly scheduled commission  
15 meeting to deliberate and approve the recommendations of the  
16 TIG. Is that clear? So if somebody would like to make a  
17 motion to --

18 MR. MURAI: Actually, Kyle, I don't think --

19 CHAIR GINOZA: Oh, sorry.

20 MR. MURAI: -- you need a motion. I think because  
21 you're the chair, you can just --

22 CHAIR GINOZA: Oh, okay.

23 MR. MURAI: When we -- when we set the agenda for  
24 the next meeting, you can simply put on the next agenda,  
25 Deliberation and approval of the TIG's recommendation and the

1 amended notice of vacancy.

2 CHAIR GINOZA: Oh, okay.

3 COMMISSIONER LUNDBERG: Hey, Kyle.

4 CHAIR GINOZA: Yes.

5 COMMISSIONER LUNDBERG: Is it necessary to push it  
6 to next meeting, or can we not just make the decision here?

7 CHAIR GINOZA: Procedurally, we need to have it at  
8 the next meeting. We cannot hear the recommendations and  
9 approve the recommendations at one meeting. So we will have  
10 to wait until the next meeting, which is the regularly  
11 scheduled June 17th meeting, to be able to accept the  
12 recommendations for the TIG and then move on. It's a great  
13 question.

14 COMMISSIONER LUNDBERG: Okay. Thank you.

15 CHAIR GINOZA: Does anybody have any more questions  
16 about the procedure or anything before we -- oh, yes, Dylan.

17 COMMISSIONER ANDRION: So, Chair, if we're pushing  
18 this to the next regular meeting to vote on, what's the  
19 timeline after that? So three weeks of consecutive publishing  
20 statewide, right, so we wouldn't be taking up a vote on a fire  
21 chief till three weeks out from the 17th?

22 CHAIR GINOZA: So it actually would -- thank you for  
23 the question. So it actually would be more than that. So,  
24 procedurally, on the 17th, you know, we'd -- we'd accept or  
25 approve the recommendations of the TIG that we do an amended

1 posting, and then whenever the department can get it in to be  
2 advertised for the -- the Star-Advertiser, which is a  
3 statewide publication. We'd done it for many days in the Maui  
4 News. And so schedule for publication in the Star-Advertiser,  
5 that's at least three weeks later. And part of what we're  
6 gonna be discussing or deliberating for the notice is how long  
7 we're gonna keep it open, so, you know, we could say that it  
8 should be a month or two months or whatever it is. So  
9 depending on how long we keep the posting open for in  
10 accepting applications, yeah, so it'll be definitely more than  
11 three weeks -- likely more than three weeks that we actually  
12 get applications in and the deadline passes.

13           Then we'd, hopefully, follow the same process of  
14 having the TIG do that initial review of applications, come up  
15 with questions, and so we are delayed -- we would likely be  
16 delayed maybe -- maybe a couple months or maybe -- yeah,  
17 a month. And so we won't have picked a new fire chief before  
18 Chief Thyne retires, so there will be some time because of the  
19 need to amend the notice. And it was kind of a short timeline  
20 anyway to be able to try to figure -- select the fire chief  
21 within, you know, this month of June. And so you're right, it  
22 will be a delay, and there are still some unknowns depending  
23 on whether or not like I said, we keep the posting open for a  
24 month or whatever we decide.

25           So for the next meeting, as you see the amended

1 notice posted, it would be great if commissioners could come  
2 up with their recommendations on, you know, how long they  
3 might want to have things posted or any other things that we  
4 might want to discuss and approve. So it is my hope that at  
5 the next meeting, we would have the notice ready and -- and  
6 that the department can just submit that to the Star-  
7 Advertiser and start the clock ticking by having it  
8 advertised. So it is a delayed process, but, you know, we  
9 really want to make sure that we follow everything that we  
10 haven't been, unfortunately.

11 Are there any other questions by commissioners?

12 COMMISSIONER STERLING: No.

13 CHAIR GINOZA: Yes, Dylan.

14 COMMISSIONER STERLING: Yeah, Chair. I just  
15 wanted -- oh, go ahead.

16 COMMISSIONER ANDRION: No, Chair, I -- thank you,  
17 Chair. I think with delaying -- I will be in support of the  
18 amended motion or the amendment on our next regular meeting,  
19 but I feel like our commission has a responsibility to figure  
20 out why it was posted wrong in the first place. So I don't  
21 know if maybe vice chair and the TIG committee already did  
22 some digging into why it was done that way and what we can do  
23 next time, so this doesn't happen again.

24 MR. MURAI: I can answer that, Mr. Chair.

25 CHAIR GINOZA: Yes, Gary.

1 MR. MURAI: And it's not that -- it's not a  
2 (inaudible) kind of thing or a blame kind of thing, but one  
3 other requirement that the posting did not meet was that the  
4 rule says that the commission shall post the -- the notice of  
5 the vacancy. We didn't do that. The fire administration took  
6 the initiative and posted it themselves, and although it's not  
7 a major error, it's still a smallish error, so, you know,  
8 it's -- I think we just didn't, you know -- well, it just  
9 happened, you know, because chief vacancies don't come up  
10 every day, so I don't, you know -- but, technically, it's the  
11 commission posts the notice, we didn't post this notice, but,  
12 fortunately, we did catch it before it was too late.

13 And, Kyle, while I have the floor, I just wanted to  
14 mention one other thing. We do -- you know, even though the  
15 first posting was -- had its problems, we did receive a couple  
16 of applicants and I -- I would like to suggest to the board at  
17 the next meeting the -- the commission should make it clear  
18 that the -- any applicant who has already submitted an  
19 application does not need to reapply and -- but we can save  
20 that for the next time.

21 CHAIR GINOZA: Okay, great. Thank you for  
22 clarifying.

23 Donna, did you have a question?

24 COMMISSIONER STERLING: Yes, Chair and Gary, let  
25 me -- let me -- hang on. So, yeah, I'm in favor of the

1 recommendation and follow the -- the HRS showing that three  
2 consecutive weeks. And that would be our bar of -- of time  
3 and, of course, within the fire department and social -- Star  
4 Bulletin, and it comes from us; I'm good to go. You know,  
5 it's -- this is what we're here for, correct it. We've done  
6 it; we're gonna move forward on the 17th. I feel good that  
7 we're doing our due diligence, so everything taken into --  
8 we're fixing it, we're moving.

9 Thank you, Chair, and thank you, Gary and TIG.

10 CHAIR GINOZA: Does any commissioner have any more  
11 questions?

12 (No response.)

13 CHAIR GINOZA: Okay. Seeing none, we'll accept  
14 the -- that we received the recommendations of the TIG, and we  
15 will post on the next agenda for, as I mentioned, the  
16 June 17th meeting to be able to deliberate and approve the  
17 recommendations of the TIG that we just received. So unless  
18 anybody else has any other item related to this, I will -- we  
19 will see --

20 COMMISSIONER LUNDBERG: Kyle.

21 CHAIR GINOZA: Oh, go ahead, Gary.

22 COMMISSIONER LUNDBERG: It's Gregg. It's Gregg,  
23 Kyle.

24 CHAIR GINOZA: Oh, Gregg. Gregg.

25 COMMISSIONER LUNDBERG: One thing we've gotta take

1 into consideration is when is -- when is the chief's last day?  
2 Because we're gonna have to appoint somebody as the chief  
3 temporarily.

4 CHAIR GINOZA: I think -- oh, Gary.

5 MR. MURAI: Gregg, that's not gonna be a problem.  
6 According to the fire administration rules, if there is a --  
7 in the chief's absence or if there's a vacancy, then the  
8 assistant chief, by rule, steps into the chief's shoes, I  
9 guess as an acting or interim chief.

10 COMMISSIONER LUNDBERG: Okay, great. Thank you. I  
11 just wanted to make sure we didn't lose sight of that.

12 CHAIR GINOZA: Thank you, Gregg.

13 COMMISSIONER LUNDBERG: Thank you, Kyle.

14 CHAIR GINOZA: Okay. If there's no other questions,  
15 I will adjourn the meeting, it's 10:29, and I will see you all  
16 next week Thursday.

17 (The proceedings were adjourned at 10:29 a.m.)  
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