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LIQUOR CONTROL COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
SPECIAL MEETING

Held via Blue Jeans video conference, commencing at
1:34 p.m., on November 22, 2021.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: LEON BOLOSAN
VICE CHAIR: JAMIE BECRAFT
COMMISSIONERS: ROBERTO ANDRION, JR.
AARON BOSWELL
JERRYBETH DE MELLO
SYLVIA HO
SNEHAL PATEL
STANLEY RUIDAS (out at 2:36)
BRUCE U'U

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: JENNIFER OANA
DIRECTOR: LAYNE N. SILVA
DEPUTY DIRECTOR: JARRETT KAHOOHANOHANO
COMMISSION SECRETARY: MARIA KHANGSENGSING
PRIVATE SECRETARY: LIANNE SUZUKI

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(November 22, 2021, 1:34 p.m.)

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CHAIR BOLOSAN: Special meeting of the liquor commission is now called to order. Let's have a roll call. Please acknowledge your presence by stating here or present.

Jamie Becraft.

VICE CHAIR BECRAFT: Present.

CHAIR BOLOSAN: Jerrybeth De Mello.

COMMISSIONER DE MELLO: Here.

CHAIR BOLOSAN: Aaron Boswell. Is he --

COMMISSIONER BOSWELL: Present.

CHAIR BOLOSAN: Hello, Aaron.

COMMISSIONER BOSWELL: Present.

CHAIR BOLOSAN: Thank you, Aaron.

Sylvia Ho. Sylvia? Sylvia?

COMMISSIONER U'U: Unmute.

CHAIR BOLOSAN: You're muted.

COMMISSIONER HO: Here. Thank you.

CHAIR BOLOSAN: Okay. Thank you.

Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR BOLOSAN: Bruce U'u.

COMMISSIONER U'U: Present.

CHAIR BOLOSAN: Snehal Patel.

COMMISSIONER PATEL: Present.

1 CHAIR BOLOSAN: Jennifer Oana.
2 CORP COUNSEL OANA: Present.
3 CHAIR BOLOSAN: Layne Silva.
4 DIRECTOR LAYNE N. SILVA: Present.
5 CHAIR BOLOSAN: Is Jarrett Kahooohanohano here?
6 DEPUTY DIRECTOR KAHOOHANOHANO: Present.
7 CHAIR BOLOSAN: Maria Khangsengsing.
8 MS. KHANGSENGSING: Present.
9 CHAIR BOLOSAN: Lianne Suzuki.
10 MS. SUZUKI: Present.
11 CHAIR BOLOSAN: Did I miss anyone? Speak up.
12 (No response.)
13 CHAIR BOLOSAN: Okay. Then we can move on on the
14 agenda of today's November 22nd, 2021. May I have a motion
15 for approval?
16 COMMISSIONER DE MELLO: I make the motion to approve
17 the agenda.
18 CHAIR BOLOSAN: Second?
19 VICE CHAIR BECRAFT: Chair, I'll second. Jamie
20 Becraft.
21 CHAIR BOLOSAN: Okay. Seconded by Jamie, moved by
22 Jerrybeth.
23 All in favor, say aye.
24 (Response.)
25 CHAIR BOLOSAN: Opposed?

1 (No response.)

2 CHAIR BOLOSAN: Motion carried.

3 Now we have public testimony. All testimony shall
4 be relevant to a meeting agenda specific item. Testimony is
5 limited to three minutes per agenda item.

6 Hang on. I screwed my screen. I wanted to move on
7 and look at my chat area. Okay. I got it. Hang on, you
8 guys. Okay. It does not show me on the chat -- oh, shucks.
9 I'm having a problem.

10 Okay. Can you hear me?

11 COMMISSIONER: Yes, Chair.

12 CHAIR BOLOSAN: Okay. I had a problem. When I look
13 on my chat, I cannot see --

14 Maria, can you help me out on the chat area to -- do
15 you see anyone?

16 COMMISSIONER ANDRION: Nobody in the chat, as far as
17 I know.

18 MS. KHANGSENGSING: No, nobody signed up.

19 CHAIR BOLOSAN: Okay, all right. So if we don't
20 have anyone there --

21 CORP COUNSEL OANA: Mr. Chair. Mr. Jorgenson is
22 raising his hand.

23 CHAIR BOLOSAN: Okay.

24 CORP COUNSEL OANA: He wants to give public
25 testimony.

1 CHAIR BOLOSAN: Dave. I'm sorry, Dave. Okay. You
2 have the floor. Go ahead.

3 MR. JORGENSEN: Thank you. I apologize. I couldn't
4 even find the chat room on my screen, and I'm -- I'm driving.
5 I did pull over to the side of the road, so I'm not driving
6 right now.

7 CHAIR BOLOSAN: Oh, okay. You have the floor.

8 MR. JORGENSEN: Just real quick just on the issue of
9 the -- the evaluation of the director. From my perspective as
10 somebody who has been doing this for over 30 years either as a
11 deputy corp. Counsel or for the past majority in private
12 practice, I've gotta say I really appreciate the -- the
13 current attitude, the current response, the current
14 willingness of the department and staff to work with
15 licensees, to communicate with licensees and representatives
16 of licensees. There is very, very definitely a need for more
17 staff to handle, particularly the intake of applications, but
18 I know that the department, the director and his staff, is
19 working hard on getting some additional bodies there. The
20 amount of what I'll call cooperation or assistance that has
21 been experienced lately is -- is a good thing, is making it,
22 you know, (inaudible) try to get things done on behalf of my
23 clients, at least. You know, some of the side issues as far
24 as COVID and, you know, enforcement stuff, frankly, I hadn't
25 really -- I hadn't heard, frankly, any complaint from my

1 clients about the department's hand in that, and I believe the
2 department's approach has been more education than enforcement
3 on all of that, and that is appreciated.

4 So, anyway, I wanted to express my support for
5 Director Silva. I've known him since I was up at corp.
6 Counsel, and I think he's doing a good job; I think all of his
7 staff is doing a good job. I do think there needs to be more
8 help and that's the big issue is understaffing, and that's
9 something that I believe they are working on. So that's all I
10 have for today.

11 CHAIR BOLOSAN: Thank you, Dave.

12 My chat section -- thank you, Dave.

13 MR. JORGENSEN: You're welcome.

14 CHAIR BOLOSAN: My chat area don't show on my screen
15 right now. Maria, can you help me out over here?

16 MS. KHANGSENGSING: Chair, there's nothing on the
17 chat.

18 CHAIR BOLOSAN: Okay. If none, I would like to
19 close public hearing and move on to our next item, which is
20 the Annual Performance Evaluation of the Director of the
21 Department of Liquor Control, 5A, Discussion on the process,
22 procedure, and plan for director's annual performance
23 evaluation.

24 Commissioners, the floor is open for discussion.

25 CORP COUNSEL OANA: Chair, before we move on, I just

1 wanted to note for the record that Commissioner Andrion is
2 present. I know he had -- he was on very early, but then
3 there was some technical difficulties.

4 CHAIR BOLOSAN: Okay.

5 CORP COUNSEL OANA: But I see him now.

6 CHAIR BOLOSAN: Thank you, Jen.

7 COMMISSIONER ANDRION: Thank you, Jennifer.

8 CHAIR BOLOSAN: I'm sorry, I apologize, Robert, for
9 not acknowledging you or your presence. Okay. Thank you.

10 So can we move on for the discussions,
11 Commissioners? Anyone? On 5A.

12 COMMISSIONER ANDRION: So, Mr. Chair, I'll take --
13 I'll take the first stab at this just to make sure that we're
14 all on the same sheet here.

15 CHAIR BOLOSAN: Yeah, okay, Robert.

16 COMMISSIONER ANDRION: Okay. So I'm looking at the
17 liquor commission thing that was given to us for the
18 evaluation. So what I see is we have six, I guess, subtitles,
19 if you want to call it, from rely -- from achievement goals
20 all the way up to relationship with others, job knowledge, all
21 the way up to leadership. I know some of these titles
22 somewhat intertwine with each other and, basically, I think
23 what -- when we do an evaluation, whether it's gonna be for
24 Mr. Silva or someone down the road, it'll be some way of, I
25 want to say, giving him some guidance, I think that would be

1 the proper word for it. And I think that would be the
2 understanding of all the nine members that is basically to
3 fill this out.

4 So the question that I have, I guess, would be is:
5 Each individual council member is going to be -- not council
6 member, sorry -- commission member filling out this form or is
7 this gonna be a collaborative effort in filling it out?

8 CHAIR BOLOSAN: To my knowledge, I believe, Robert,
9 you had participated when we evaluated Director Mukai, I
10 suppose you were with us, and as far as I remember, you know,
11 the evaluation was coming from each individual and you had to,
12 you know, grade the director. So I believe I would like to go
13 that route. Each guy has to grade the director individually,
14 and it will be turned in to our website to our commission, and
15 from there, I'm gonna look at it as far as all eight members
16 and how we're gonna rate the director. And we will make -- I
17 will make a letter with the help of Maria and probably will
18 ask Jen to -- to make a letter to the mayor and to the council
19 chair.

20 Did I pretty much answer your question, Robert? If
21 not --

22 COMMISSIONER ANDRION: Yes, Mr. Chair, I understand
23 that it's gonna be individual. So being that each one has to
24 provide an evaluation, is our -- is there gonna be a signature
25 block for us here? 'Cause I don't -- I don't see one. I know

1 this is a draft, but is there gonna be a signature block for
2 us to actually put our name on it?

3 CHAIR BOLOSAN: That's a good question. I would
4 like to reach out to our counsel, Jen, maybe you can help me
5 answer that question.

6 CORP COUNSEL OANA: Thank you, Chair. This is a
7 great starting of this conversation. As you all know, we
8 agendized it as discussion on the process, procedure, and
9 plan. So this meeting is really for you guys to hash out how
10 you're gonna do the evaluation. The last meeting, the only
11 thing that was on the agenda was approval of the form, which
12 you guys approved this form that was in the meeting materials,
13 and now how are you gonna do the evaluation?

14 I just want to remind all of you -- and I know, I'm
15 sorry, I'm the newest one out of all of you folks, so maybe
16 you could correct me as I go, but as you all know, the charter
17 gives you the duty to annually evaluate the director. The
18 specific language is annually review and evaluate the
19 performance of the director of liquor control and submit a
20 report to the mayor and the council. So you have to submit --
21 the thing under the charter that you have to do is evaluate
22 him and then submit a report to the mayor and to the council.
23 I understand that the report that has previously been
24 submitted to the mayor and the counsel has been like a one-
25 page letter basically saying, you know, satisfactory or -- or

1 whatever the word was. I did have some suggestions that I
2 just want to throw out there for your discussion. Now, you
3 guys are coming to the end of the year, and, you know, you
4 have to evaluate him annually. One thing you have to consider
5 or think about maybe in this discussion is: Do you have
6 enough information from what you observed over the year and
7 what the director's told you over the year or given you over
8 the year? Do you have enough information to complete this
9 year's evaluation? Or if you don't have enough information
10 from the director or elsewhere, what kinds of information do
11 you want?

12 Again, we're kind of coming -- we're kind of in
13 this, you know, a small time period that you guys want to
14 finish this evaluation, so there may be more things you want
15 to do for this evaluation next year, his next annual
16 evaluation. So if you want to just use the information that
17 you received from him earlier in writing over the past year,
18 you know, that could be fine too. My thinking about going
19 into this meeting was to suggest to you to set another special
20 meeting in December, and that special meeting will be for the
21 purpose of you guys all coming together to collectively
22 evaluate the director using that form that you guys all agreed
23 to. And I'm thinking that you guys will all discuss and
24 collectively come to an agreement as to what you're going to
25 write on this form.

1 You know, for example, No. 1, Reliability in
2 achieving goals, you guys will have a discussion and
3 collectively vote to rate him. In the box, it says
4 substandard, needs improvement, satisfactory, or exceeds, so
5 you guys can all come to a collective agreement on which box
6 to check off. And then the next box under that, Give at least
7 one example of reliability in achieving goals; you folks
8 collectively discuss and come to an agreement as to what
9 you're going to write as a body. And then, similarly, with
10 the box that says Comments, you guys will collectively come to
11 something that you write as a body.

12 Now, it doesn't mean that you guys have to all agree
13 to it. You can actually agree to say some commissioners
14 thought this, other commissioners thought that, but as long as
15 you come to the agreement that you'll say that, that is
16 completely fine.

17 Now, with regard to the report to the mayor and to
18 the council, what I would suggest -- it hasn't been done in
19 the past, but it's -- I think it's completely acceptable, is
20 to use that kind of letter that you guys used in the past as a
21 report, but have it as a cover letter to this annual
22 evaluation form. So your report to the mayor and the council
23 will be consisting of the cover letter which basically says,
24 you know, in the month of December the commission met, had a
25 special meeting to evaluate the director. We find his, you

1 know, work whatever. You can use the language that is on the
2 very last box of the form that says, you know, overall
3 evaluation, and then just say attached is the commissioner's
4 performance evaluation form of the director. So if you wanted
5 to keep it kind of simple like that this year, you know, I
6 just kind of wanted to throw it out to you guys that you can
7 do that.

8 Otherwise, you know, you can talk it out and discuss
9 how you want to -- how you guys want to do it -- there's -- I
10 read your rules. There's no rules that say exactly how you
11 are supposed to do this, so it's pretty open as to how you
12 want to do it. But that's my suggestion is to fill out this
13 form as a body, attach a cover letter, and send both things,
14 the cover letter, and the evaluation form, to the mayor and to
15 the council as -- as the entire report.

16 I do want to give you a heads-up. I know in the
17 past the county has conducted evaluations of directors in
18 closed session, in executive session; however, after analyzing
19 the Sunshine Law and that particular executive session
20 exception regarding evaluation of employees, it's my -- it's
21 my advice that you do it in open session. The only caveat is
22 if there's going to be something that -- some kind of privacy
23 matter that comes up, that part and only that part can be done
24 in executive session.

25 I do want to tell you guys that the exceptions to

1 the Sunshine Law with regard to open meetings, the section
2 where it says the eight reasons why you guys can go into
3 executive session, those eight reasons -- basically, the
4 language is the commission or board may go into executive
5 session if one of these eight reasons apply. So it's not
6 must, it's may. If you guys decide to go into executive
7 session, you can, but you do not have to. Boards and
8 commissions are not bound to go into executive session; you
9 can hold everything in the open.

10 So with regard to that, that privacy matter issue,
11 you know, if something comes up with regard to Director
12 Silva's personal financial information, I would say that's a
13 private matter that you guys can choose to go into executive
14 session. I don't see that coming up, though. Director
15 Silva's medical background or information, that's private. I
16 don't see also that that will come up in his evaluation.
17 Things like personal home contact information, minor children
18 information, that's all private, and you guys can choose to
19 discuss in closed session, although I don't see that happening
20 in -- in an evaluation discussion. I just wanted to throw
21 that out to you that it should be conducted in open session.

22 I studied a lot on the Sunshine Law with regards to
23 evaluation and hiring employees in the last, you know, six
24 months, so I'm pretty confident that you guys should hold this
25 in open session and only if someone wants to, for some reason,

1 talk about these personal private matters of the director,
2 then at that time, you know, please speak up and say, you
3 know, I plan to ask a question or discuss, you know, a medical
4 information thing, let's go into executive session. But other
5 than that, I advise you to do this in open session.

6 But I'm -- I can answer any questions, but I kind of
7 wanted to throw out to you guys what I -- what I think might
8 be a good way -- way to do this at least this year. And then,
9 you know, come January, maybe we form a TIG to do a more
10 extensive evaluation involving, like, self-evaluations and
11 surveys and that. I don't think we have that time this year,
12 though, for that.

13 Thank you, Chair. I'm available for any questions.

14 CHAIR BOLOSAN: Thank you, Jen. I seen Sne had
15 raised his hand earlier. Sne, you can have the floor.

16 COMMISSIONER PATEL: Thank you. Yeah, for me, I
17 agree with Jen, and I think that time is of the essence.
18 There were some things that I think were brought up in terms
19 of a self-evaluation to give Layne, but I think Layne is -- in
20 previous communication with us outlined some of the goals that
21 he has in mind short term, long term, and so I think we can
22 use that as a reference to go forward and look at what he's
23 accomplished this year and be able to do at least this
24 evaluation and fulfill our duties. And, you know, going into
25 next year, start looking at a bit more refined and maybe, you

1 know, more of the survey, more of getting community feedback
2 and things like that. I think at this point we should just
3 focus on getting this form dialed in and getting the
4 evaluation done.

5 That's all I have to say, Chair. Thank you.

6 CHAIR BOLOSAN: Thank you, Sne.

7 More for the commissioners?

8 COMMISSIONER BOSWELL: (Gesturing.)

9 CHAIR BOLOSAN: Aaron, go ahead. You have the
10 floor.

11 COMMISSIONER BOSWELL: I kind of like how Jennifer
12 proposed that we (inaudible). The only disagreement I have is
13 that I believe that filling out this form session needs to be
14 done in private. And the only reason is if there is
15 corrective actions, this is a personnel performance eval as a
16 director. It is something that we as a board are telling the
17 director, look, we think you excel in this area, and we think
18 you need work in this area. That is for him and him alone.
19 If we make it public, it opens him up to scrutiny and using
20 that performance eval against him. This is a tool that is
21 designed to improve performance and not to be somebody's
22 action.

23 Now, the cover letter that you were talking -- that
24 Jennifer talked about, I agree, that should be made public,
25 and the overall rating should be made public, but I believe

1 that the (inaudible) should be in executive session.

2 CHAIR BOLOSAN: Okay, Aaron. I cannot hear you now.
3 Are you through?

4 COMMISSIONER BOSWELL: (Gesturing.)

5 CHAIR BOLOSAN: Okay. Thank you, Aaron.

6 I've seen Bruce raise his hand. You have the floor,
7 Bruce.

8 COMMISSIONER U'U: You know, yeah, Aaron, you kind
9 of went -- cut out at the end, but I do to a certain degree
10 agree. I agree with Aaron. I think this is a perspective of
11 a commissioner who -- a director of what we see and what --
12 you know, what the outcome can be, and I don't think it should
13 be so open to the public. So, Aaron, I kind of agree.

14 I like the cover letter part. I thought maybe we
15 could do this kind of on our own or ask questions at one part
16 to, you know -- again, I think Sylvia brought up that we're
17 here once a month, right? And, again, it's my first year as a
18 commissioner, so I know people had history prior. I was on
19 the adjudication, so I can kind of see some of the changes
20 when I was the adjudication side to the commission side, some
21 of the changes how he kind of changed mentally and by speaking
22 and I guess being on these meetings monthly, but I don't have
23 the full grasp of what's happening.

24 I take -- I take what guys like Dave said into
25 consideration, and I take changes that occurred during this

1 last year into consideration, but I'd rather -- again, it's
2 just me, for myself kind of figure -- because I got all the
3 notes that I took for all the meetings that I have, right?
4 Nothing goes through for my part, so I will reflect back on
5 that and, again, do one performance on myself and maybe we
6 could meet up and talk about it or something or hand it in.
7 But, you know, I'm like Aaron, 'cause nine people -- to have
8 nine people say almost the same thing with small changes might
9 be a little hard.

10 And, again, this is my first time, so that's my two
11 cents. Probably only worth a half-cent, but that's my two
12 cents. Thank you.

13 CHAIR BOLOSAN: Thank you, Bruce. Maybe --

14 VICE CHAIR BECRAFT: (Gesturing.)

15 CHAIR BOLOSAN: Okay. Jamie, you have the floor.

16 VICE CHAIR BECRAFT: Thank you, Chair. I have a
17 question for Corporation Counsel Oana. Is this up for our
18 decision? It was -- before we keep discussing this, it's my
19 understanding with the recent -- the recent Office of
20 Information Practices decision on that, that Sunshine Law and
21 what has to be public, that that's why the police had to do
22 their interviews publicly unlike we did 'cause we didn't have
23 the updated information there. So is this -- is this up for
24 our decision or -- or is this something that has to be public
25 because of the Sunshine Law?

1 CORP COUNSEL OANA: Thank you, Commissioner Becraft.
2 You know, it's my advice to you that it has to be in open
3 session. The Sunshine Law HRS 92-5 has eight exceptions for
4 going into executive session and, remember, I told you just
5 now that it's just may. You guys can have open sessions all
6 the time, but if you want to go into executive session, you
7 can with regard to the evaluation of the director, but only if
8 consideration of matters affecting privacy will be involved.
9 And, again, I gave you some examples of what privacy is.
10 Medical, financial information, minor children, personal home
11 contact information, that is all private. If nothing touches
12 on that kind of privacy information, you have to hold it in
13 open session.

14 So you're correct, Commissioner Becraft, you know,
15 this is something that it's my advice to all of you that we
16 have to hold it in open unless someone has something private
17 to discuss, and only that portion can be closed session.

18 VICE CHAIR BECRAFT: Okay. And I may follow up to
19 that, just for clarification, so I can speak back to you what
20 I heard. I think when I hear the word "it's my suggestion,"
21 it kind of implies that we have the ability to do otherwise,
22 but actually what I'm really hearing you say is you're not --
23 you can't tell us what to do, but it's -- we don't have a
24 legal justification to go into executive and if we were
25 challenged, that we would be in a very poor position such as

1 any other -- 'cause we just need to have a real reason to do
2 so. Is that -- is that clear that you're trying to say may
3 because ultimately we could elect to violate the Sunshine Law
4 and then be challenged?

5 CORP COUNSEL OANA: You're totally correct,
6 Commissioner Becraft. When I say suggestion, it was just kind
7 of me trying to be polite and everything, but that is my
8 position, is you have to have this in open session unless
9 consideration of matters affecting privacy will be involved
10 and then one of you can ask to go into closed session. But
11 it's my advice that you do this in open session and, yes, if
12 you don't, we could be challenged, meaning all of your
13 decisions can be basically thrown out, and we have to do it
14 all over again.

15 VICE CHAIR BECRAFT: Okay. So your interpretation
16 is we have to have this publicly, period?

17 CORP COUNSEL OANA: Correct.

18 VICE CHAIR BECRAFT: Thank you.

19 COMMISSIONER HO: I have a question.

20 CHAIR BOLOSAN: Okay. Okay, Sylvia.

21 COMMISSIONER HO: Okay. This question is -- so Mr.
22 Layne Silva, he's one of the directors within the Maui County
23 government, so how about all the other directors like -- I
24 know the interview for the police chief, it was all public.
25 And how about the fire chief and the department of -- what do

1 they call -- water supply and all of those other departments,
2 all of those -- all the other directors, are the evaluations
3 being done in open session or -- or it could be in executive
4 session and of course, afterwards, after the evaluation is
5 done, then it will be public for the results? So I just want
6 to wonder, you know, all the other directors' evaluations.

7 CORP COUNSEL OANA: Mr. Chair.

8 CHAIR BOLOSAN: Thank you.

9 Go ahead, Jen.

10 CORP COUNSEL OANA: So with regard to the county,
11 there are only a few directors, you know, heads of departments
12 that are evaluated by commissions. So Director Silva is
13 evaluated by you guys, the chief of police is evaluated by the
14 commission -- the police commission and director of personnel
15 services is evaluated by the civil service commission. Other
16 directors like the director of water supply, DM, public works,
17 those don't have a charter provision that says a commission or
18 board evaluates them. So I believe it's only liquor, police,
19 personnel, oh, and fire. There could be others, but those are
20 the four that I'm aware.

21 And with regard to holding in an open and closed,
22 I'll just be totally straightforward with you guys. You know,
23 in the past, all of the commissions have probably done it in
24 closed session. That was wrong. The law has not changed as
25 far as I know in the last, you know, bunch of years, it's just

1 that we've been doing it -- we've been kind of doing it wrong.
2 And so, you know, over the summer with the hiring of the
3 police chief, we really took a look at these rules. We called
4 OIP a bunch of times asking a lot -- lots of questions, and so
5 we ironed out, you know, what we really should be doing. So
6 in the past, you know, we haven't been doing it correctly, but
7 going forward, you know, of course, we have to do it correctly
8 going forward.

9 CHAIR BOLOSAN: Thank you, Jen.

10 Bruce, go ahead. You have the floor, Bruce.

11 COMMISSIONER U'U: Thank you. Thank you, Jennifer,
12 for your clarification. I'd like to know that on my first
13 year, we might get it right. I'm kidding; I'm kidding.

14 So just throwing this out, so possibly we could kind
15 of -- kind of filling it out on our own, you know, so we could
16 get a jump-start prior to the meeting, and then we could
17 discuss it openly? Would that work? Is that something that
18 would work that we do it in open session?

19 CORP COUNSEL OANA: Mr. Chair.

20 CHAIR BOLOSAN: Go ahead.

21 CORP COUNSEL OANA: May I answer?

22 CHAIR BOLOSAN: Yeah.

23 CORP COUNSEL OANA: I think that's a great idea.
24 You know, it will basically -- half the work will probably be
25 done if you guys do it individually at home, think about it at

1 home, and then when we meet for our special meeting, then, you
2 know, you guys can argue your points to each other without
3 having to think on the spot. So I think that's a great idea
4 and it'll probably make the meeting a little bit shorter, too,
5 maybe. So that's a great idea.

6 And then maybe if you guys can discuss what your
7 report's gonna look like. You know, I heard Commissioner
8 Boswell, Commissioner U'u saying that the letter may be
9 sufficient for the report and I'm not gonna tell you that it
10 won't be sufficient, that's the type of report that the mayor
11 and the council has been seeing for many, many years from this
12 commission and the police commission. I do think it has to be
13 beefed up just a little bit, but, again, that is just my
14 opinion. The charter really says submit a report to the mayor
15 and the council; it doesn't say what the report has to say at
16 all. But I do think, you know, the public's looking and if
17 they were to see, you know, a letter saying, you know, the
18 commission did the annual report, and we find that the
19 director is satisfactory, is that, you know, an awesome
20 report, you know? I don't know. So I do think, you know,
21 maybe we should beef it up a little bit.

22 Whether you want to attach the -- the performance
23 evaluation, all nine or one that's kind of collectively
24 created by you folks, you know, you guys can discuss that and
25 decide to do that in a format, but then the letter should

1 probably be beefed up and say a little bit more than just a
2 one-liner, you know, the director is satisfactory or whatever.

3 CHAIR BOLOSAN: Thank you, Jen. Well said.

4 Jamie, go ahead.

5 MS. KHANGSENGSING: Jamie, you're muted.

6 CHAIR BOLOSAN: You're muted.

7 VICE CHAIR BECRAFT: That costs extra.

8 CHAIR BOLOSAN: Okay.

9 VICE CHAIR BECRAFT: I just want to expound kind of
10 on what Bruce was saying and what Jen was saying. And I
11 agree, and I think that, you know, this meeting was really
12 designed for what are we gonna do and that's what I think we
13 should address. And I personally feel that, as Bruce was
14 saying, I think we all should just do our evaluations, get
15 them ready, and get them ready in the sense of for
16 presentation that we talk about it at the next meeting. The
17 chair can direct us; we can come to a consensus, you know.
18 Majority rules, right? You know, if four of us say he's good
19 and the other four say no, he's good, then the letter says
20 he's good, you know. Then we attach our eval, you know, with
21 that letterhead, and if the mayor wants to go further through
22 or whatever, it's there, and everybody can feel like they've
23 been heard.

24 And that would be what I -- what I call is
25 transparent, 'cause I'm a big person for transparency. I

1 think that we were put in this position by the public to
2 oversee where -- you know, oversee this process and -- and I'm
3 good with the public seeing what I think, you know, and I want
4 my -- I want my opinion out there and -- so that they can see
5 what I think I'm trying to accomplish.

6 I think also, though, we do still have time. I
7 mean, it doesn't take much time to put things on the internet
8 nowadays, put it on our page. I think we should give the -- I
9 think we should give the director a self-evaluation to do.
10 I'd like to think that he could have that done by our next
11 meeting, and we can have it sent to us in our packet, and we
12 can discuss it and be part of our process on the next one. I
13 think that we can also either send out an email request --
14 actually, I think we should send out an email request to the
15 licensees and ask them to do their input and that they can
16 send that to Maria. 'Cause we're -- we have a secured email
17 address that they can send their thing so that we can review
18 that. I do believe we still have time for that. And we can
19 also put it on the liquor website for just the community if
20 anybody just wants to put in some words, you know, what they
21 want to say.

22 Of course, you know, you're gonna get some people
23 that are just gonna say stuff, you know, with no backing, you
24 know, but then you're gonna get other people who may want to
25 tell us a story with supporting -- you know, supporting facts

1 and whatnot and we just take that into consideration. And an
2 anonymous, you know, we can send it to our -- I think we still
3 have time to give the employees under the director time
4 because we're gonna have a couple of weeks here. If we can
5 get Maria to put that out to the employees, they too can
6 submit these evals with their thoughts, or they can put their
7 name on it. Yeah, I think that's my thought. I think we do
8 still have time.

9 I also want to say in regard to the time, how much
10 time I believe we have, I've been on the board for a couple
11 years, I'm on my third -- I'm not really good with time, but
12 like we've never done one, so I don't like to push it too fast
13 when -- you know what I mean? I don't want to, like, feel
14 like we're up against this huge time crunch when, you know,
15 we're not. I'd like to get it all right, you know.

16 But those are my thoughts. I'd like to just hear
17 others' thoughts because I think what this meeting really is
18 for what do we want to see, you know, and let's get the eval
19 done, and I believe we can get this done in the next couple
20 of -- couple weeks. Thank you.

21 CHAIR BOLOSAN: Thank you, Jamie. And before -- I
22 will try to call every member down the road. Can the chair
23 then come up with a little opinion of his, Jenny?

24 CORP COUNSEL OANA: Yes, Chair, go ahead.

25 CHAIR BOLOSAN: Okay. My opinion is that, you know,

1 what Aaron and Bruce have said, I'm with them, you know. I'm
2 with you, Aaron, especially. You started, you know, how we
3 should be doing, you know, each individual rating to begin
4 with and then later on, then we can come as a group. That
5 could be okay.

6 All right. Let me call back on Robert. You want to
7 come in with some opinion on this item?

8 COMMISSIONER ANDRION: Yes, Mr. Chair. Thank you.
9 I've heard what everybody's saying, and as far as the
10 commissioners, okay, it's our task to evaluate the director.
11 To put everybody else's opinion from the outside coming in,
12 that's gonna clutter up a lot of things. I will base my
13 opinion on my evaluation of what we -- we see in -- in our
14 meetings, our monthly meetings, or special meetings. Okay?
15 And I do respect Commissioner Becraft, but to have other
16 people to -- to put in their inputs, then we're just opening
17 the door up for whatever it is that's gonna come about. So if
18 that was the intent, then we shouldn't even be here talking
19 about evaluations. We should be asking the public, what do
20 you think about the -- what do you think about the -- the
21 director? And if that was the -- what -- the way we are
22 going, then there's no need for us to even be taking a look at
23 this evaluation. I think an evaluation should stay with us.
24 It is our ideas from what we see the -- what the director
25 does, and I think, you know, that is my opinion. To open it

1 up a little bit more open -- openly would create a -- I want
2 to say more uncertainty as far as what we're trying to
3 achieve. That's my -- that's my opinion.

4 CHAIR BOLOSAN: Thank you, Robert. Well said.

5 Can I move on to you, Stan?

6 COMMISSIONER RUIDAS: Okay. You know, I agree with
7 everybody, and in the beginning, I asked, you know, if we were
8 gonna do this in executive session because, you know, I agree,
9 it's not fair to -- to evaluate someone in public, especially,
10 you know. Like Aaron said, you know, it could, you know, go
11 another way. And I also agree with Roberto, and it is -- it
12 is our kuleana, we should say, to do this evaluation. You
13 know, I guess because of the Sunshine Law, we've gotta do this
14 in open, but I was just trying to see how we would do it in
15 open. You know, do we vote on the blocks, you know, how many
16 guys, you know, on each category wants to choose exceeds,
17 satisfactory, need improvement, or substandard? And I guess
18 we can -- I guess we've gotta do a vote or something like that
19 when we discuss this, that's just my thinking. I'm -- I mean,
20 you know, we -- we came this far, we only got a few more weeks
21 to finish this. But thank you. Thank you, Chair, and thank
22 you, everyone.

23 CHAIR BOLOSAN: Thank you, Stan.

24 CORP COUNSEL OANA: (Gesturing.)

25 CHAIR BOLOSAN: Go ahead, Jen.

1 CORP COUNSEL OANA: And I just wanted to say that I
2 do agree with Commissioner Ruidas; there'll be a lot of voting
3 in that meeting. We have six items, you know, each one has
4 the blocks, so it'll, you know, start off with Commissioner X
5 saying, I move to rate him as satisfactory for No. 1, and then
6 you'll take the vote, and if it's the majority, then it's
7 satisfactory checked off. If it's not, someone else can move
8 for exceeds or, you know, that kind of stuff. So lots of
9 voting. It may take a while, but at least it'll be a
10 collective thing that comes from the body of the commission.

11 CHAIR BOLOSAN: Thank you, Jen.

12 If you may allow me to go back to Sne, I'll leave
13 the two ladies for last.

14 Sne, you have any more thoughts on this?

15 COMMISSIONER PATEL: So I just want to be clear.
16 When we have this meeting, Jen, where it's gonna be open
17 discussing the director and doing the evaluation, there will
18 be at that time options for the public to comment and give
19 testimony, correct?

20 CORP COUNSEL OANA: Chair. Yes, Commissioner Patel,
21 you'll have the usual public testimony item and, you know, I'm
22 sure a lot of people will come to testify like Mr. Jorgenson,
23 so you'll hear from the commissioners -- I mean from the
24 public, hopefully.

25 COMMISSIONER PATEL: Okay. So we're gonna hear from

1 them, it sounds like. It doesn't need to be an outreach,
2 perhaps, at this late in the game to get, you know, different
3 stakeholders involved in a -- in a survey or, you know, email
4 stating, please respond by this date because we're gonna give
5 that opportunity at that meeting. And we're gonna give notice
6 for that meeting in advance so those that do want to testify
7 can come and, you know, speak that mana'o. Thank you.

8 CHAIR BOLOSAN: Thank you, Sne.

9 Okay. We have the two ladies. Can I start off with
10 you, Jerrybeth, your thoughts?

11 COMMISSIONER DE MELLO: Yeah. Am I on?

12 CHAIR BOLOSAN: Go ahead.

13 COMMISSIONER DE MELLO: Everyone has good ideas for
14 this evaluation, and, yes, this is the first time for the --
15 for the liquor commission with the public to be involved in
16 the evaluation. Is it good? We don't know, but getting it
17 out there, I'm sure that Silva has -- well, not I'm sure, but
18 Silva has done a great job coming forward, and it's a major
19 turnaround in the department, so yeah. This is gonna be the
20 first and having this evaluation, but at least it's slimmed
21 down to where there is one for job performance. Yeah.

22 CHAIR BOLOSAN: Okay.

23 COMMISSIONER DE MELLO: I mean, everything goes to
24 you, right, Leon, that is presented to the mayor?

25 CHAIR BOLOSAN: Well, in the past I -- the practice

1 had been that way, that the chair writes a letter to the mayor
2 and council chair, but this time, I -- I'm gonna ask the
3 secretary and Jen to help me formulate that letter based on,
4 you know, our reports.

5 COMMISSIONER DE MELLO: Our evaluation, yeah.

6 CHAIR BOLOSAN: Okay. Thank you, Jerrybeth.

7 COMMISSIONER DE MELLO: Thanks, Chair.

8 CHAIR BOLOSAN: Jen, go ahead.

9 CORP COUNSEL OANA: I would suggest, Chair, you
10 know, you -- you and I can do like a draft letter that can be
11 part of the meeting materials and then at the meeting, you
12 know, after you guys do the discussion on how -- on filling
13 out the form, what you guys want to write in that form, get a
14 collective approval of the contents of the letter as well so
15 we can just kind of get the input from the commissioners what
16 exactly they want to put in the letter. So I'll try to have
17 Maria help me look for an old letter, and then we can kind of,
18 you know, draft it up, fix it up for you guys to take a look
19 at at the next meeting when we're discussing all of this and
20 then you guys can say -- you know, decide what -- decide what
21 you want in the letter so then it's -- you know, it doesn't
22 need the commission approval after that and you guys will
23 decide right then and there what we write in it.

24 CHAIR BOLOSAN: Yeah. Thank you, Jen. That's what
25 I've been trying to say, that the letter is -- will be

1 formulated according -- based on the ratings that come from
2 all the commissioners. Am I right?

3 CORP COUNSEL OANA: I think at this time you guys
4 might want to discuss whether it'll be nine forms that is, you
5 know, part of the record, or whether you guys are gonna go
6 home after this meeting, do your evaluations on your own, but
7 bring it to the commission as just your discussion points for
8 an active conversation and discussion at the meeting. So
9 maybe you guys can discuss, you know, step by step how you're
10 gonna do it. Again, there's no rules on how we do this, so
11 you guys can come up with step by step how -- how this is
12 gonna go. But, you know, I think I like the idea -- Chair,
13 your idea of kind of doing it on your own and then at the next
14 meeting, you know, you have your -- your evaluation in front
15 of you and when you guys are on Item 1, you know, someone
16 says, Well, I think he is, you know, doing great, I think he
17 exceeds this, this item, and then you guys can kind of talk
18 about it, yeah.

19 CHAIR BOLOSAN: Okay. Thank you, Jen.

20 I've been saving the last for best. Sylvia.

21 COMMISSIONER HO: All right. Actually, I think
22 during the discussion today, so the evaluation form actually
23 is public, is in -- when Maria sent us anything, it will
24 actually be on the department's website. So the public
25 actually is free to actually to look at the evaluation form,

1 and they will -- if they want to, you know, give us feedback.
2 Then what happens is we also have the public testimony in
3 the -- in the beginning of the meeting so they can actually --
4 they should actually voice their opinion. And then, when we
5 get together, when we start our discussion on the evaluation,
6 we will have to take their feedback into consideration as
7 well. So I think that will be fair to everyone, so we
8 accept -- and it could be the employee, they want to submit
9 something, then they can send it to -- I'm not sure who they
10 send it to. Maybe, Chair, to you directly, and then you can
11 actually during the meeting read out their comments. I mean,
12 you could be an unknown person; we don't need to identify who
13 that person is. Unless it's public testimony, then we know
14 who's actually standing in front of us to testify. So I think
15 it should actually all be, what do you call, suggestion taken
16 into consideration during our discussion.

17 So I like the fact that, you know, everyone should
18 actually do their homework at least, you know, so what area
19 that we think that, you know, we should appreciate what he has
20 done or we should actually remember what he -- he said he was
21 gonna do, but he never accomplished that. So those are stuff
22 we should actually, you know, put into the evals as well. So
23 it's good that we do our homework.

24 So my question is, so December 8th is our regular
25 meeting, the DLC meeting on December 8th, so are we going to

1 do the evaluation as well? Because I'm sure it could be quite
2 lengthy because, first of all, if we did our homework and
3 then -- and then also we would also invite the public to
4 testify if they want to give us any feedback. And then we are
5 gonna vote on each one of them, each category, so it could be
6 quite lengthy. So I'm not sure, maybe we should do a special
7 meeting the following week, December 15th, so maybe that will
8 be the last meeting for the year. We'll be having double
9 meetings every month for the past few months. So that would
10 be my suggestion.

11 CHAIR BOLOSAN: Thank you, Sylvia.

12 I just wanted to add on anything to come to our
13 commission should go to our liquor commission website. Okay?
14 Send it to care of Maria, okay?

15 Thank you, Sylvia.

16 VICE CHAIR BECRAFT: (Gesturing.)

17 CHAIR BOLOSAN: Jamie, you have the floor.

18 VICE CHAIR BECRAFT: Thank you, Mr. Chair. I -- I
19 agree with Sylvia, I agree with everybody's thing. I -- my
20 thought pattern on involving the public and stuff is that
21 we're -- we're trying to ask our commissioner to make changes
22 and be more transparent, and I'm -- I'm just trying to be as
23 transparent as I can and make the public -- you know, make it
24 as easy to the public and make sure that our message to them
25 is we want your input. And so I think, though, listening to

1 Sne and -- and everybody, that, you know, it is true that they
2 do have the chance to testify on that day, so that could be
3 their avenue. I think, though, that maybe we can just make it
4 a little bit more public-friendly that we just go ahead, then,
5 and maybe put this evaluation form, a blank one, online. If
6 we can put that on our webpage now and say this is what's
7 gonna be used, and if any of them want to take the time to
8 fill it out and submit it, then great. If they can't make the
9 meeting, we would be able to read that, their input, and give
10 them some direction. At least -- at least I want to open the
11 door more to say that we are interested in what the public has
12 to say and what the -- what the licensees may or may not have
13 to say.

14 The truth be told is we're not gonna get a lot, and
15 the other truth is that if we're concerned that, well, we're
16 not gonna be -- we're not electing him by -- or evaluating him
17 by public opinion, well, that's true. If a person doesn't
18 have concrete evidence, they can't just say, oh, I think he's
19 doing junk, and he should be fired. Well, good for you, you
20 know. That's your opinion, but you would have to supply some
21 serious support for that opinion, right? So I just want to
22 make sure that we're leaving that avenue open.

23 So I think a middle ground for me is -- and I've
24 been clarified. I thank, Sne, Sne and Sylvia for pointing out
25 that, yeah, they -- they do have that opportunity already.

1 I'd just like to maybe just put the form online and give them
2 just that little bit more so we can get that information in.
3 Thank you.

4 CHAIR BOLOSAN: Thank you, Jamie.
5 Robert.

6 COMMISSIONER ANDRION: Yeah, thank you. Thank you,
7 Mr. Chair. Just circling back to what Jamie was saying
8 earlier about self-evaluation from the director, and I think
9 that's a good thing that if the director can do a
10 self-evaluation, go over this and give us some high points
11 that he thinks would have basically made improvement or has
12 exceeded or satisfactory done some of this. Because some of
13 us, let's face it, they're not gonna be able to notice a lot
14 of these, but some of these interact with each other. So I
15 think if Director Silva would do a self-evaluation like what
16 Jamie is saying, that gives us an idea as far as where he's
17 going and if he did achieve those goals that he has. It's
18 something more that would give us a fair evaluation or see
19 what his performance would be like, and, of course, that would
20 translate to the public to see if what he is saying is the
21 truth.

22 CHAIR BOLOSAN: Okay. Bruce.

23 COMMISSIONER U'U: Yeah. Thank you. I just wanted
24 to comment that, you know, the goal when I came on the
25 commission was to -- the goal was to update, upgrade the

1 department, because I've heard of stories and -- you know,
2 that wasn't so good, right? So in what Jamie said, if you put
3 this out there and have them comment on this, they're not
4 gonna know what the difference is from ten years or last year
5 till now. I have a hard time doing it, and I'm here once a
6 month. So I think the impact, the potential negative impact
7 -- when I tell people I'm a liquor commissioner, oh, my God.
8 Oh, that's horrible. You guys, blah, blah, blah. They blame
9 us for everything. They think we're part of the department.
10 They're thinking we had -- we had some of the fault. So I
11 could not -- I wouldn't want this to go, hey, you go have your
12 comment or something like that. I think that will leave it
13 open for scrutiny.

14 I mean, I always think about can you imagine if we
15 did this for every department? Here's what we're doing;
16 comment if you wanted to, whether it be police, whether it be
17 planning department, or liquor. I think most people don't
18 understand the differences between commission, department;
19 most don't understand what happens within the year from last
20 year to five years. So I would be afraid, and I think it
21 would be unfair, personally. That's my two cents. Thank you.

22 CHAIR BOLOSAN: Any more?

23 VICE CHAIR BECRAFT: May I ask Jen a question?

24 CHAIR BOLOSAN: Yeah. Go ahead, Jamie.

25 VICE CHAIR BECRAFT: Deputy Corporation Counsel

1 Oana, does the police department still do it that way? Do
2 they still have the public box downstairs for their input
3 and -- and just an overall, you know, general input, you know,
4 be done for them, and does the commission take that into
5 consideration? And when I say into consideration, I'm not
6 talking about that being presented to the mayor. It's just
7 being, you know, what's being, you know, said, and the
8 commission can look at it and give it the weight that it's
9 due. Does the police department still do that?

10 CORP COUNSEL OANA: I'm sorry, Commissioner Becraft,
11 I don't know about that box thing that you're talking about.
12 But what the police commission did look at this year was Chief
13 Faaumu's self-evaluation, a survey that's done in-house -- not
14 by the commission, but MPD for the, I believe, uniformed
15 services bureau. They do their own survey, and then they
16 share that with the commission. There's a stakeholder
17 evaluation where the commission comes up with criteria and
18 sends it out to some people that they choose who they think
19 are stakeholders for their input, as well as the commissioner
20 eval like the one you have that's in front of you. So I'm not
21 sure about that, you know --

22 VICE CHAIR BECRAFT: Did they --

23 CORP COUNSEL OANA: -- bottomless box thing, but
24 those are the -- the four things that I'm aware of.

25 VICE CHAIR BECRAFT: Do they -- they don't do an

1 employee -- employee input, employee survey?

2 CORP COUNSEL OANA: No, not that I'm aware of. The
3 only thing is the uniformed services.

4 VICE CHAIR BECRAFT: Okay. Thank you.

5 CHAIR BOLOSAN: Thank you, Jamie.

6 COMMISSIONER RUIDAS: (Gesturing.)

7 CHAIR BOLOSAN: Stan, you have the floor.

8 COMMISSIONER RUIDAS: Sorry, Chair. I agree with
9 everybody. Bruce, you got one good point. I've gotta go to
10 work. I'm not gonna be here for the next meeting, but happy
11 Thanksgiving to you guys and all you guys' families. See you
12 guys later.

13 CHAIR BOLOSAN: Thank you, Stan.

14 VICE CHAIR BECRAFT: Thanks, Stan.

15 COMMISSIONER U'U: Thanks, Stan.

16 CHAIR BOLOSAN: All right. Going back to Bruce for
17 what he had come up with your opinion, I pretty much with you
18 as the chair. I don't, you know, really want to see us going
19 too much -- reaching out to the public. I think we nine
20 members should be intelligent enough to evaluate the director.
21 I don't -- personally, I don't really want to see us going --
22 reaching out to the public where they don't have enough
23 knowledge as we the commissioners. You know, who can evaluate
24 the director more than the commissioners? Of course, we don't
25 have personal contact with the director all the time, but by

1 this time, we should all know what the director's been doing
2 and what he's -- he's capable of doing and his willingness of,
3 you know, making adjustments and whatnot. I've seen him
4 trying his best and looking back at the old administration,
5 and now, it's a day and night situation. I really believe
6 that the director is doing really a super job right now.

7 Okay. Any -- any more thoughts?

8 COMMISSIONER ANDRION: (Gesturing.)

9 CHAIR BOLOSAN: Commissioners?

10 COMMISSIONER ANDRION: Mr. Chair.

11 CHAIR BOLOSAN: Yes.

12 COMMISSIONER ANDRION: Roberto Andrion here again.

13 CHAIR BOLOSAN: Yes.

14 COMMISSIONER ANDRION: And I would like to extend
15 that. And I think it's very true that if the director was not
16 doing his job, I'm pretty sure we'd hear in public testimony,
17 and there would be a lot of complaints that would be out
18 there. But I'm not aware of any that have come up, if at all.
19 I think they're -- right now, there are much -- are better
20 attaboys and understanding from clients that we have that say,
21 you know what, he's doing a bang-up job. So I think we would
22 just have to go on that to the point that if there is no
23 complaints or we're not aware of one, then basically that
24 individual is -- we need to focus what's on this six topics
25 here and just expound on it to justify our -- our own comments

1 and evaluation. Thank you.

2 CHAIR BOLOSAN: Thank you, Robert.

3 Any more --

4 CORP COUNSEL OANA: (Gesturing.)

5 CHAIR BOLOSAN: Jen, go ahead.

6 CORP COUNSEL OANA: To kind of move this -- not
7 along, I don't mean to rush you guys at all, but with regard
8 to the self-evaluation that I heard some of you talk about and
9 like would you want to ask the director to write you a letter
10 with regard to, you know, the evaluation of himself or would
11 you like him to fill out the personal evaluation for himself?
12 So, you know, he can write you like a narrative, like in a
13 letter, or the -- or fill out the personal eval form. Since
14 he's on the line, maybe if you could ask him orally to do that
15 and just submit it to you at least seven days before our next
16 meeting.

17 CHAIR BOLOSAN: Thank you, Jen. Thank you.

18 COMMISSIONER U'U: (Gesturing.)

19 CHAIR BOLOSAN: Bruce.

20 COMMISSIONER U'U: Yes.

21 CHAIR BOLOSAN: Go ahead.

22 COMMISSIONER U'U: Yes, that would help, what Jen
23 said, if possible. I mean -- and we can go back -- you know,
24 if you gonna give us one outline of what -- what he's done and
25 we can go back and look at what we proposed to be done, and we

1 can be -- we can compare it and come up with a fair
2 evaluation, I would like that.

3 CORP COUNSEL OANA: So would that be in a more
4 narrative form than him filling out the performance evaluation
5 form?

6 COMMISSIONER U'U: You know, that's something we can
7 discuss at this time.

8 CORP COUNSEL OANA: I agree.

9 CHAIR BOLOSAN: Okay. Thank you, Jen and Bruce.
10 Yeah, Sne, I'd like you -- go back on what you have
11 just said about the short- and long-term goals of the
12 director, maybe you can help us lighten up where we -- you
13 know, we're trying to --

14 COMMISSIONER PATEL: Yeah. I mean, I think -- you
15 know, there's a lot of things that I think we as a, you know,
16 group would like to have -- like to get done, and I'm sure
17 Layne would like to get done, but as you know, I think
18 everybody knows, you know, as Dave pointed to earlier, that,
19 you know, resources at this point and, you know, with what we
20 have staffing-wise, it's not all possible. Right? So it's --
21 I think, you know, in the evaluation process, I -- you know, I
22 think that there's -- obviously, the goals that he's set that
23 are realistic that he feels, you know, Layne feels he
24 accomplished or were accomplished this year are important to
25 note as well as kind of the future vision that he sees, you

1 know, the commission going.

2 I would like to say that I in the past having done
3 my own evaluations in different jobs. I would like to see
4 Layne perhaps fill out the form that we're talking about here
5 and just submit that and there -- it then becomes kind for us
6 a benchmark or something to look at as we're discussing and
7 filling it out ourselves, right, so we all can compare when we
8 come together, and it's a consistent format and form. We all
9 know that's the one we're all working from, right? So, yeah,
10 I'm open to other people's ideas.

11 CHAIR BOLOSAN: Thank you, Sne.

12 Sylvia.

13 COMMISSIONER HO: Yeah, I agree with what Sne just
14 suggested. I personally, I -- I will recommend definitely the
15 director also to do a self-evaluation just like most other
16 employees so that when -- we know that sometimes, you know,
17 what he has accomplished, we may not remember what he has
18 done, but -- so sometimes you will have a better understanding
19 of -- so if we all look at the same -- the six categories,
20 so -- and if he feels that he will need some more support than
21 he will actually -- you know, he needs to -- more time, maybe,
22 or more resources to accomplish certain areas. But I think he
23 should actually do a self-evaluation so that we are all
24 looking at the same thing. As I said, you know, most of the
25 time, you know, the way that we see how he performed his work

1 could be, you know, ten months ago he has done something
2 excellent that we may not even remember, but hopefully, he
3 remembered when we say just so happen that we criticize that
4 he -- criticize him that he did not do certain things, but
5 actually, he did. Right? So actually better to have -- we
6 call it two-way communication. I think that would be -- I
7 would say, you know, that would be more accurate and fair for
8 him as well.

9 CHAIR BOLOSAN: Thank you, Sylvia.

10 I think I seen Jamie raise his hand prior.

11 VICE CHAIR BECRAFT: Did somebody else have
12 something else to add? I wanted to make a motion, Chair. I'd
13 like to make a motion that we -- for the evaluation process,
14 that we include that the director do a self-evaluation to fill
15 out the form that we're gonna be utilizing and submit it one
16 week -- at least one week prior to our next meeting. Next,
17 all of our evaluations be submitted at our -- at or before our
18 next meeting for presentation to the mayor along with each
19 member voting on each category, and we go by the majority vote
20 for when we rank each category. And finally, that the chair
21 prepare a final report for review by the commission for final
22 vote and approval of your final report. I think that kind of
23 sums up everything that we're -- we've been talking about.
24 That's my motion.

25 CHAIR BOLOSAN: Okay. There's a motion.

1 COMMISSIONER HO: (Gesturing.)
2 CHAIR BOLOSAN: Sylvia, second?
3 COMMISSIONER HO: I second.
4 CHAIR BOLOSAN: Okay. All in favor, say aye.
5 (Response.)
6 CHAIR BOLOSAN: Opposed?
7 (No response.)
8 CHAIR BOLOSAN: Motion carried.
9 VICE CHAIR BECRAFT: That's about it.
10 CHAIR BOLOSAN: Thank you, Jamie.
11 Okay.
12 MS. KHANGSENGSING: Chair, this is Maria.
13 CHAIR BOLOSAN: Yes, Maria.
14 MS. KHANGSENGSING: So you want the individual
15 commissioners to submit their evaluation before the next
16 meeting, which is December 8th, correct?
17 VICE CHAIR BECRAFT: No. I said prior to or at the
18 meeting.
19 COMMISSIONER U'U: Oh, at the meeting, yeah, he said
20 that.
21 MS. KHANGSENGSING: Okay.
22 VICE CHAIR BECRAFT: Prior to or at the meeting.
23 The only thing I want prior to the meeting is -- one week so
24 that we can see it is the director to get his submitted so you
25 can send it to us in the packet.

1 CHAIR BOLOSAN: Okay. Understood, Members.

2 I see Director Silva is on the screen. You might
3 want to say something.

4 DIRECTOR LAYNE N. SILVA: Just -- just so I can
5 clarify what is expected, so I'm gonna fill out the
6 evaluation, performance evaluation form that was -- I guess
7 that was going to be -- become the final draft, which is this
8 document I'm holding up right now, is that correct?

9 CHAIR BOLOSAN: Yes.

10 DIRECTOR LAYNE N. SILVA: Okay. And now that
11 document is gonna need to be forwarded to the commission one
12 week prior to the next meeting, which is scheduled for
13 December 8th, so you're gonna need to receive this document by
14 December 1st. Now, are we talking about email, or are we
15 talking about in the mail, or how are -- how are we getting
16 this document to you one week prior to that meeting on
17 December 8th?

18 VICE CHAIR BECRAFT: I wasn't saying -- I didn't say
19 it had to be to us one week earlier. It was just have it
20 submitted so there would be a sufficient amount of time for
21 her to mail it. But I think Jen can answer whether or not
22 she -- it probably would be safest just to do it both ways if
23 you submit it, then it can be public record, and it can be put
24 out there for OIP, the Sunshine Law, make sure -- Sunshine Law
25 make sure --

1 DIRECTOR LAYNE N. SILVA: I guess I'm just trying to
2 clarify the time considering Thanksgiving is this week as
3 well, and I don't want to -- with the amount of time that we
4 have, I want to make sure if there are -- if that does need to
5 take place that I have sufficient time to do so.

6 COMMISSIONER U'U: Correct.

7 CORP COUNSEL OANA: Excuse me, Chair.

8 CHAIR BOLOSAN: Yes. Go ahead, Jen.

9 CORP COUNSEL OANA: I think this all kind of
10 presupposes that we will be doing this at our next regular
11 meeting, but you guys want to discuss whether you want to have
12 another special meeting to just do this one topic? It's
13 totally up to you guys, but, you know, you might --
14 Commissioner Ho did mention that it might be a lengthy
15 meeting, so do you want to set another special meeting?

16 CHAIR BOLOSAN: Okay.

17 CORP COUNSEL OANA: I do have to tell you that that
18 date that Commissioner Ho mentioned, December 15th, I'm not
19 available because I have the police commission, so if you guys
20 could choose a different date, that would be great.

21 CHAIR BOLOSAN: Okay. I see -- thank you, Jen.

22 I see Bruce raising his hand. Go ahead.

23 COMMISSIONER U'U: Yeah. And I'm on the mindset
24 that we should do a different meeting so we could go all-in
25 on -- on the meeting and kind of spend the quality time we

1 need to wrap this up or, you know, get the ball rolling and at
2 the same time give the director more time. You know, I forgot
3 that if you get a week prior, it's December 1st, there goes
4 your Thanksgiving. So, you know, I don't -- I think he will
5 be grateful for Thanksgiving to do that. But I'm okay with a
6 separate time, pushing the date back, so, you know, nobody
7 needs to stress, we just walk through this, you know. And I'm
8 open for dates --

9 CHAIR BOLOSAN: Okay.

10 COMMISSIONER U'U: -- if you guys are.

11 CHAIR BOLOSAN: All right. Thank you, Bruce.

12 Any thoughts, Members?

13 COMMISSIONER PATEL: (Gesturing.)

14 CHAIR BOLOSAN: Okay. Sne, go ahead.

15 I'm sorry, Sylvia, you will be next.

16 Sne, go ahead.

17 COMMISSIONER PATEL: Looking at my schedule, Tuesday
18 morning, the 21st can work, possibly the 22nd, but then we're
19 getting pretty close to the holidays there, too, that weekend.

20 CHAIR BOLOSAN: You're right.

21 COMMISSIONER PATEL: I'm open to Tuesday, either the
22 14th or the 21st.

23 COMMISSIONER U'U: Both works for me also.

24 CHAIR BOLOSAN: Okay, all right, Sne.

25 Sylvia.

1 COMMISSIONER HO: Yeah, actually, I was going to
2 suggest December the 14th and definitely the 21st. But 21st
3 is real close to the holiday season. So I think -- that I
4 think to postpone it to the following -- the 14th. But,
5 Corporation Counsel Jen, are you available on that date, the
6 14th?

7 CORP COUNSEL OANA: Yes, the 14th works for me.

8 CHAIR BOLOSAN: Okay.

9 COMMISSIONER HO: So I make a motion to schedule our
10 evaluation meeting on the 14th of December.

11 CHAIR BOLOSAN: Okay. There's a motion. Second?

12 COMMISSIONER PATEL: Yeah. I just want to make
13 sure, Layne, that works in terms of getting the evaluation
14 done.

15 DIRECTOR LAYNE N. SILVA: Yeah, yeah. Yeah, I'm
16 available on the 14th, and that'll be sufficient time for
17 sure. Yeah.

18 CHAIR BOLOSAN: Okay. So -- excuse me, Jamie, there
19 was a motion and Sne -- oh, you want to -- okay. Jamie, go
20 ahead.

21 VICE CHAIR BECRAFT: Well, has there been a second?
22 Is this -- is this open for discussion?

23 COMMISSIONER PATEL: Yeah, I think we're discussing,
24 and then we can second.

25 CHAIR BOLOSAN: Yeah.

1 VICE CHAIR BECRAFT: Okay. Is it -- I'm just -- I
2 don't have it in my calendar. Is the 15th our regular
3 meeting?

4 COMMISSIONER PATEL: No, the 8th.

5 COMMISSIONER U'U: The 8th.

6 VICE CHAIR BECRAFT: The 8th is, I apologize.
7 That's all I -- that's all, I think. I second the motion.

8 CHAIR BOLOSAN: Okay. All in favor, say aye.

9 (Response.)

10 CHAIR BOLOSAN: Opposed?

11 (No response.)

12 CHAIR BOLOSAN: Motion carried.

13 CORP COUNSEL OANA: Chair, do you want to do it in
14 the morning, nine o'clock or one o'clock?

15 CHAIR BOLOSAN: Okay. On the motion, there was no
16 time. Sorry, Jen. Everybody, I guess, is so anxious to get
17 on it and finish this.

18 COMMISSIONER U'U: I'm okay with nine o'clock.

19 CHAIR BOLOSAN: Okay. Any more thoughts?

20 COMMISSIONER HO: Can I have actually 10:00, sorry,
21 'cause I have a staff meeting at 9:00?

22 COMMISSIONER PATEL: 10:00 is fine.

23 COMMISSIONER HO: Thank you.

24 COMMISSIONER U'U: 10:00 is fine.

25 CHAIR BOLOSAN: Okay.

1 VICE CHAIR BECRAFT: I second Bruce's motion for
2 10:00.

3 COMMISSIONER HO: I second.

4 CHAIR BOLOSAN: Okay. So everybody okay with it?
5 Jerrybeth?

6 COMMISSIONER DE MELLO: (Gesturing.)

7 CHAIR BOLOSAN: You're okay. Okay. So let's have a
8 meeting special meeting for December 14th, 10:00. Okay.

9 Continuation of --

10 CORP COUNSEL OANA: And although there was no vote
11 on it, I assume no objection, right, so all good with
12 everybody?

13 CHAIR BOLOSAN: Yeah, I thought we -- you know,
14 someone made the motion without the time, though, so okay.

15 COMMISSIONER DE MELLO: Yeah.

16 CHAIR BOLOSAN: All right. So 10:00 is good. Okay.

17 CORP COUNSEL OANA: And then for Director Silva, if
18 you could give it to Maria, your filled out self-evaluation,
19 by December 7th to make it in the commission packet. Thank
20 you. Okay.

21 CHAIR BOLOSAN: We covered --

22 MS. KHANGSENGSING: I'm sorry. This is Maria. I'm
23 looking at the calendar. So it has to be posted on the 7th,
24 so if I could have it at least a day earlier to have it ready
25 for the packets because the agenda is gonna need to be posted

1 on the 7th.

2 DIRECTOR LAYNE N. SILVA: Yeah, that should be fine.

3 CHAIR BOLOSAN: Okay. So, so far, so good then.

4 COMMISSIONER DE MELLO: Leon.

5 CHAIR BOLOSAN: Yes. Go ahead.

6 COMMISSIONER DE MELLO: Make sure somebody contacts
7 Stan 'cause he had to leave for work.

8 CHAIR BOLOSAN: Oh, okay, all right.

9 Maria, are you there?

10 MS. KHANGSENGSING: Yeah. I'll email him.

11 CHAIR BOLOSAN: Okay. At the same time, I will call
12 him to remind him. Call Stan.

13 CORP COUNSEL OANA: Chair, may I just recap what I
14 think you guys are gonna do so I'm clear, and maybe other
15 people can be more clear? So the director will be filling out
16 the performance evaluation form and giving it to Maria on
17 December 6th, which will be included in all of you folks'
18 meeting material packet. And then when we meet on December
19 6th, you guys will have done your homework and filled out your
20 own evaluation form just to be used as -- for discussion
21 purposes at the December 14th meeting --

22 CHAIR BOLOSAN: Okay.

23 CORP COUNSEL OANA: -- where you guys will just
24 collectively come to comments and ratings as a body. Is that
25 correct?

1 CHAIR BOLOSAN: Sounds good to me.

2 CORP COUNSEL OANA: And then along with -- after you
3 guys are done, you guys will settle on the meat of the
4 language for the cover letter, which will be the cover letter
5 to the report --

6 CHAIR BOLOSAN: Yeah.

7 CORP COUNSEL OANA: -- and the evaluation form,
8 right?

9 CHAIR BOLOSAN: Thank you, Jen.

10 I see two people raise their hands. I see Robert
11 and Sylvia; then I see Jamie, so let's go start off with you,
12 Robert.

13 COMMISSIONER ANDRION: Yes, thank you, Mr. Chair.
14 So from my understanding is that Director Silva will have his
15 self-evaluation ready by the 6th so that we can review it and
16 basically on the -- the special meeting that we have scheduled
17 for the 14th at 10:00, that's what we're gonna be discussing.
18 I just wanted to clarify that.

19 CHAIR BOLOSAN: Okay. Pretty much, yeah. Thank
20 you, Robert.

21 COMMISSIONER ANDRION: Thank you, Mr. Chair.

22 CHAIR BOLOSAN: Thank you, Robert.

23 Sylvia, you have the floor.

24 COMMISSIONER HO: Me? Okay. Actually, sorry, I
25 didn't raise my hand, however, I was just moving. No,

1 actually, that's good, December 14, 10:00 a.m., and we'll get
2 ourselves ready, yeah. Thank you.

3 And by the way, if I don't have a chance to say, you
4 know, happy Thanksgiving. We need it.

5 CHAIR BOLOSAN: Thank you, Sylvia.

6 Jamie, I have seen you raise your hand.

7 VICE CHAIR BECRAFT: I wanted to add one thing. If
8 we could also get emailed once it's submitted and if we can
9 get the -- his self-evaluation emailed to us just so we
10 don't -- some of us every once in a while don't get our mail
11 at the same speed as everybody else. So I think it gets hung
12 up sometimes.

13 CHAIR BOLOSAN: Okay. So any of this form also is
14 available on our own website, yeah.

15 Okay. Is there any more from the commissioners?
16 Any question, any comment by commission -- the commissioners
17 before I have a motion to adjourn? Okay.

18 COMMISSIONER ANDRION: Motion to adjourn.

19 CHAIR BOLOSAN: Okay, Robert.

20 COMMISSIONER U'U: Second.

21 CORP COUNSEL OANA: Oh, wait. I'm sorry. Sorry for
22 interrupting everybody.

23 COMMISSIONER ANDRION: I'll retract the motion.

24 CORP COUNSEL OANA: (Inaudible.) Could you take
25 care of Item 5B, which is the actual adoption of the final

1 draft? It sounds like you guys are going to use it, but just
2 because it's on the agenda and --

3 CHAIR BOLOSAN: Yeah.

4 CORP COUNSEL OANA: Let's just formalize it.

5 COMMISSIONER U'U: I'll make a motion to accept --
6 I'll make a motion to accept the final draft.

7 CHAIR BOLOSAN: Okay.

8 COMMISSIONER DE MELLO: Second.

9 CHAIR BOLOSAN: All right. Bruce motioned, second
10 by Jerrybeth. All in favor, say aye.

11 (Response.)

12 CHAIR BOLOSAN: Opposed?

13 (No response.)

14 CHAIR BOLOSAN: Motion carried. So any further
15 questions or comments before I call on -- to have a motion to
16 adjourn?

17 COMMISSIONER ANDRION: I make a motion to adjourn.

18 CHAIR BOLOSAN: Okay. Robert motioned. Second by?

19 COMMISSIONER ANDRION: Bruce.

20 COMMISSIONER U'U: Oh, second.

21 CHAIR BOLOSAN: All right. Meeting adjourned.

22 Thank you very much.

23 COMMISSIONERS: Happy Thanksgiving.

24 CORP COUNSEL OANA: With no objection, the meeting
25 will be adjourned. Sorry.

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CHAIR BOLOSAN: Okay, all right. Thank you,
everyone.

(The proceedings were adjourned at 2:58 p.m.)

