



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/GREAT](http://www.MauiCounty.us/GREAT)

Committee Chair  
Michael J. Molina

Committee Vice-Chair  
Keani N.W.  
Rawlins-Fernandez

Voting Members:  
Gabe Johnson  
Tasha Kama  
Kelly Takaya King  
Alice L. Lee  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

**Tuesday, November 15, 2022**

**9:00 a.m.**

MEETING SITE:

Online via BlueJeans:

<https://bluejeans.com/175115369>

Phone testimony: 1-408-915-6290, code 175 115 369

In-person testimony and viewing: Council Chamber, Kalana O  
Maui Building, 8th Floor, 200 South High Street, Wailuku,  
Hawaii

## AGENDA

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 22-127, URBAN DESIGN REVIEW BOARD) (GREAT-2(45))**

**Description:** The Committee is in receipt of the following:

1. Resolution 22-127, entitled "RELATING TO THE APPOINTMENT OF RICKY AARON SANCHES TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI." Resolution 22-127's purpose is to approve or disapprove the Mayor's nomination of Ricky Aaron Sanches to the Urban Design Review Board, for a term expiring March 31, 2023, to fill a vacancy replacing Stuart Marlowe.
2. Correspondence dated May 27, 2022, from the County Clerk, transmitting a letter from the Mayor, dated and received on April 29, 2022, with a completed application form for the nominee.

**Status:** There is no deadline for Council approval or disapproval. The Committee may consider whether to recommend adoption of Resolution 22-127, with or without revisions. The Committee may also consider filing Resolution 22-127 and other related action.

[Resolution 22-127](#)

[Correspondence from County Clerk 05-27-2022](#)

**MORE →**

## NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 22-225, URBAN DESIGN REVIEW BOARD) (GREAT-2(57))

**Description:** The Committee is in receipt of the following:

1. Resolution 22-225, entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI." Resolution 22-225's purpose is to approve or disapprove the Mayor's nomination of Ashley Noelani Mikie Otomo to the Urban Design Review Board, for a term expiring March 31, 2027.
2. Correspondence dated October 10, 2022, from the County Clerk, transmitting a letter from the Mayor, dated September 19, 2022, and received on September 20, 2022, with a completed application form for the nominee.

**Status:** There is no deadline for Council approval or disapproval. The Committee may consider whether to recommend adoption of Resolution 22-225, with or without revisions. The Committee may also consider filing Resolution 22-225 and other related action.

[Resolution 22-225](#)

[Correspondence from County Clerk 10-10-2022](#)

## NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 22-247, MAUI PLANNING COMMISSION) (GREAT-2(58))

**Description:** The Committee is in receipt of the following:

1. Resolution 22-247, entitled "RELATING TO THE APPOINTMENT OF BLAINE APO TO THE MAUI PLANNING COMMISSION." Resolution 22-247's purpose is to approve or disapprove the Mayor's nomination of Blaine Apo to the Maui Planning Commission, for a term expiring March 31, 2027, to fill a vacancy due to the resignation of William Gordon Greig.
2. Correspondence dated November 7, 2022, from the Deputy County Clerk, transmitting a letter from Mayor, dated and received on October 21, 2022, with a completed application form for the nominee.

**Status:** The Council must approve or disapprove the nomination by December 20, 2022, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of Resolution 22-247, with or without revisions. The Committee may also consider filing Resolution 22-247 and other related action.

[Resolution 22-247](#)

[Correspondence from County Clerk 11-07-2022](#)

**MORE →**

**NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL**

**Items: LITIGATION MATTERS (GREAT-11)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/02/2015	CC 15-6	Councilmember White, relating to litigation matters.
01/16/2017	CC 17-6	Council Chair White, relating to litigation matters.
01/11/2019	CC 19-29	Council Chair King, relating to litigation matters.
01/15/2021	CC 21-46	Council Chair Lee, relating to litigation, claims, and demands, including requests for settlement authority, indemnification, employment of and compensation for special counsel, and status updates.
01/09/2015	Sub-Item (2)	SETTLEMENT AUTHORIZATION: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)
02/12/2015	Sub-Item (6)	SETTLEMENT AUTHORIZATION: DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 07-1-0496(2)
08/26/2021	Sub-Item (10)	SETTLEMENT AUTHORIZATION: GEOFFREY E. WITTMER, AS THE SPECIAL ADMINISTRATOR FOR THE ESTATE OF ERIC G. WITTMER, DECEASED, V. COUNTY OF MAUI, MAUI POLICE DEPARTMENT, ET AL.; CIVIL 19-1-0198 (1)

**MORE →**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/04/2022	Sub-Item (14)	RESOLUTION 22-64, RELATING TO SETTLEMENT AUTHORIZATION: GERALDINE CONSTANTINO V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-17-00763
03/04/2022	RESO 22-64	“AUTHORIZING SETTLEMENT OF GERALDINE CONSTANTINO VS. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-17-00763,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
04/01/2022	Sub-Item (17)	RESOLUTION 22-95, RELATING TO SETTLEMENT AUTHORIZATION: FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA; CLAIM 4073176
04/01/2022	RESO 22-95	“AUTHORIZING SETTLEMENT OF CLAIM NO. 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
07/08/2019	Sub-Item (18)	SETTLEMENT AUTHORIZATION: SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 14-00535 SOM-WRP
04/22/2022	Sub-Item (19)	RESOLUTION 22-98, RELATING TO SETTLEMENT AUTHORIZATION: DAVID GARDINER; CLAIM 4070286
04/22/2022	RESO 22-98	“AUTHORIZING SETTLEMENT OF CLAIM NO. 4070286 OF DAVID GARDINER,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
10/21/2022	Sub-Item (23)	STATUS: A CHARGE OF DISCRIMINATION FILED WITH THE

**MORE →**

HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 486-2018-00541

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/01/2022	Sub-Item (24)	RESOLUTION 22-160, RELATING TO SETTLEMENT AUTHORIZATION: CRAIG CLOVE; CLAIM 4056092

07/01/2022	RESO 22-160	“AUTHORIZING SETTLEMENT OF CLAIM NO. 4056092 OF CRAIG CLOVE” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/20/2022	Sub-Item (27)	RESOLUTION 22-211, RELATING TO SETTLEMENT AUTHORIZATION: DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022 CW-EO-11

09/20/2022	RESO 22-211	“AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET NO.: 2022-CW-EO-11,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/09/2019	Sub-Item (28)	SPECIAL COUNSEL AUTHORIZATION: TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL RELATED TO INTERPRETATION OF THE CHARTER OF THE COUNTY OF MAUI REGARDING LEGISLATIVE AND EXECUTIVE AUTHORITY

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/20/2022	Sub-Item (30)	RESOLUTION 22-212, RELATING TO SETTLEMENT AUTHORIZATION: PAULINE TIU; CLAIM 4067712

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09/20/2022	RESO 22-212	“AUTHORIZING SETTLEMENT OF CLAIM NO. 4067712 OF PAULINE TIU,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (31)	RESOLUTION 22-248, RELATING TO SETTLEMENT AUTHORIZATION: ASHLEY HOOKS V. COUNTY OF MAUI, ET AL., CIVIL 2CCV-21-0000034
11/04/2022	RESO 22-248	“AUTHORIZING SETTLEMENT OF <u>ASHLEY HOOKS V. COUNTY OF MAUI, ET AL., CIVIL NO.: 2CCV-21-0000034,</u> ” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/06/2019	Sub-Item (32)	SPECIAL COUNSEL AUTHORIZATION: TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL IN THE CASE OF MCKELVEY V. VICTORINO
12/06/2019	CC 19-492	Memo from Council Chair King, dated 12/06/2019, transmitting a proposed resolution entitled “AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL IN THE CASE OF MCKELVEY V. VICTORINO.”
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (33)	RESOLUTION 22-249, RELATING TO SETTLEMENT AUTHORIZATION: JAMSHED HAQ; CLAIM 4072108
11/04/2022	RESO 22-249	“AUTHORIZING SETTLEMENT OF CLAIM NO. 4072108 OF JAMSHED HAQ,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (34)	RESOLUTION 22-250, RELATING TO SETTLEMENT AUTHORIZATION: HALE MAHAOLU; CLAIM 4072812

11/04/2022 RESO 22-250 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4072812 OF HALE MAHAOLU," introduced by Council Chair Alice L. Lee upon the request of the Mayor.

DATE REFERRED      REFERENCE      SUBJECT  
 05/04/2020      Sub-Item (35)      SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. RICK MARKHAM, ET AL.; CIVIL 17-1-0384(2)

DATE REFERRED      REFERENCE      SUBJECT  
 09/04/2018      Sub-Item (46)      SPECIAL COUNSEL AUTHORIZATION: LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS

**BANK OF AMERICA’S COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS (GREAT-19)**

DATE REFERRED      REFERENCE      SUBJECT  
 03/08/2019      CC 19-107      Councilmember Molina, relating to the United States Federal Reserve System’s order requiring the Bank of America to provide mortgages on Hawaiian Home Lands.

DATE REFERRED      REFERENCE      SUBJECT  
 03/08/2019      CC 19-108      Presiding Officer Pro Tempore Kama, relating to Bank of America’s \$150,000,000 loan commitment for Native Hawaiians on Hawaiian Home Lands.

DATE REFERRED      REFERENCE      SUBJECT  
 08/23/2019      CC 19-337      Presiding Officer Pro Tempore Kama, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE AND LITIGATE ACTIONABLE CLAIMS AGAINST BANK OF AMERICA AND THE BANKING AND MORTGAGE INDUSTRY."

DATE REFERRED      REFERENCE      SUBJECT  
 08/23/2019      CC 19-338      Council Chair King, transmitting County Communications 19-107 from Councilmember Molina and 19-108 from Presiding Officer Pro Tempore Tasha Kama, relating to Bank of America’s commitment to provide mortgages for

**MORE →**

Native Hawaiians on Hawaiian Home Lands.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/06/2021	CR 21-18	Government Relations, Ethics, and Transparency Committee Report recommending ADOPTION of resolution to authorize additional compensation related to the employment of special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct, and in Bank of America, N.A. v. County of Maui, et al., Civil 1:20-CV-00310 JMS-WRP. (Recommitted)

**AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE IN ACCORDANCE WITH SECTION 46-43, HAWAII REVISED STATUTES (GREAT-25)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/08/2019	CC 19-447	Chief of Police, transmitting a proposed resolution entitled "AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE PURSUANT TO SECTION 46-43, HAWAII REVISED STATUES."

**HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM-KJM, U.S. DISTRICT COURT, DISTRICT OF HAWAII (GREAT-26)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/23/2019	CC 19-178	Memo from Council Chair King, dated 04/15/2019, transmitting a proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL."

**MORE →**

**AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/24/2021	CC 21-413	Acting Chief of Police, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS."

**BILL 117 (2022), RELATING TO AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH UNIVERSITY OF HAWAII FOR THE PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR COUNTY EMPLOYEES (GREAT-59)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/05/2022	Bill 117 (2022)	"A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII FOR THE PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR EMPLOYEES OF THE COUNTY OF MAUI," introduced by Council Chair Alice L. Lee upon the request of the Mayor.

**BILL 138 (2022), RELATING TO AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION (GREAT-64)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
9/20/2022	Bill 138 (2022)	"A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION," introduced by Council Vice-Chair Rawlins Fernandez.

**MORE →**

**RESOLUTION 22-226, RELATING TO THE REMOVAL OF ROBERT HALE PAHIA FROM THE KULA AGRICULTURAL PARK COMMITTEE (GREAT-65)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/07/2022	RESO 22-226	“REMOVAL OF ROBERT HALE PAHIA FROM THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.

**BILL 169 (2022), RELATING TO AIR GUNS AND REPLICAS GUN REGULATIONS (GREAT-67)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Bill 169 (2022)	“A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.28, MAUI COUNTY CODE, RELATING TO AIR AND REPLICAS GUNS,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.

CONTACT INFORMATION

Office of Council Services, 200 South High Street, Wailuku, Hawaii 96793  
Tel: (808) 270-7838

COMMITTEE STAFF

Kasie Apo Takayama, Laksmi Abraham, Pauline Martins, and James Forrest

BOARD PACKETS

Board Packets, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

CONNECTIVITY

This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS.

If BlueJeans connectivity affecting quorum is lost, the Committee will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the BlueJeans connection is prematurely terminated, for whatever reason, please log back into the same link.

If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., using the same virtual connections, unless the Committee announces a different date and time.

OFFICIAL LOCATIONS

Video testimony via BlueJeans link: <https://bluejeans.com/175115369>

Oral testimony via phone by dialing: 1-408-915-6290 and entering meeting code 175 115 369

In-person testimony and viewing: Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawaii

If audiovisual connection is lost at the official location for in-person testimony and viewing, the committee will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., at the same official location for in-person testimony and viewing, unless the Committee announces a different date, time, and location.

Written testimony via eComment. Search for the meeting date on [mauicounty.us/agendas](http://mauicounty.us/agendas), click on the eComment link, then select the agenda item to submit comments on.

For more information on testifying please visit [www.mauicounty.us](http://www.mauicounty.us) or contact the Office of Council Services.

COURTESY TESTIMONY SITES - COUNCIL RESIDENCY AREA OFFICES

South Maui MEDB Building 1305 North Holopono, Suite 9, Kihei (808) 793-0012	Lāna'i Lāna'i District Office 814 Fraser Avenue, Lāna'i City (808) 565-7094	West Maui Old Lahaina Center 845 Waiee Street, Suite 205, Lahaina (808) 856-0123
Molokai Molokai District Complex 100 Ainoa Street, Kaunakakai (808) 553-3888	East Maui Hāna Cultural Center & Museum 4974 Uakea Road, Hāna (808) 248-7513	Makawao-Ha'ikū-Pā'ia Heritage Hall 401 Baldwin Avenue, Suite 102, Pā'ia (808) 793-0099

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from there.

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[mauicounty.us/agendas](http://mauicounty.us/agendas) to access meeting videos

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If Akaku prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will be sent to Akaku to be included with archived meeting videos.

**DISABILITY ACCESS**

Anyone requesting an auxiliary aid or service or an accommodation due to a disability should contact the Office of Council Services at least three working days prior to the meeting date at (808) 270-7838 or [county.council@mauicounty.us](mailto:county.council@mauicounty.us).

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Agenda items are subject to cancellation.