

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

December 2, 2022

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on November 15, 2022, makes reference to the communications noted on Exhibit "A," as attached, for referral to the Council Chair for the term beginning January 2, 2023, in accordance with Rule 22 of the Rules of the Council.

Your Committee notes Rule 22 provides for the end-of-term filing or referral of communications pending before committees.

Your Committee agreed to remove items GREAT-26, relating to Hawai'i Wildlife Fund, et al. v. County of Maui, and GREAT-11(32), relating to the case of McKelvey v. Victorino from the list of referrals because the matters are no longer active.

Your Committee voted 7-0 to recommend the communications noted on Exhibit "A," as revised, be referred to the Council Chair for the term beginning January 2, 2023. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, Lee, Paltin, and Sinenci voted "aye." Committee members King and Sugimura were excused.

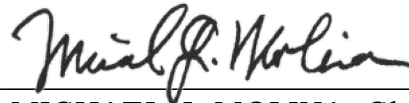
Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that the communications noted on Exhibit "A," as revised herein and attached hereto, be **REFERRED** to the Council Chair for the term beginning January 2, 2023.

COUNCIL OF THE COUNTY OF MAUI
**GOVERNMENT RELATIONS, ETHICS,
AND TRANSPARENCY COMMITTEE**

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**Committee
Report No.** _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

great:cr:22end:kmatt

EXHIBIT "A"

GREAT-11 LITIGATION MATTERS

<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) Memo from Deputy Corporation Counsel Brian Bilberry, dated 01/09/2015, transmitting a copy of the First Amended Complaint and requesting the opportunity to provide a status update.
02/12/2015	Sub-Item (6)	SETTLEMENT AUTHORIZATION: DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 07-1-0496(2)

Memo from Deputy Corporation Counsel Brian Bilberry, dated 02/12/2015, transmitting a copy of the Complaint and Resolution 14-93, entitled "AUTHORIZING SETTLEMENT OF DOUGLAS LEONE AND PATRICIA A. PERKINS-LEONE V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-1-0496(3)," and requesting the opportunity to discuss ongoing settlement negotiations and the status of the claim.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
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)

Memo from Deputy Corporation Counsel Brian Bilberry, dated 08/26/2021, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF GEOFFREY E. WITTMER, ET AL. v. COUNTY OF MAUI, ET AL., CIVIL 19-1-0198 (1)" with a copy of the Second Amended Complaint in 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).

<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.
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DATE REFERRED REFERENCE SUBJECT
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.

DATE REFERRED REFERENCE SUBJECT
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

Memo from Deputy Corporation Counsel Brian Bilberry, dated 07/08/2019, transmitting a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 14-00535 SOM-WRP,” with a copy of the claim.

DATE REFERRED REFERENCE SUBJECT
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.

DATE REFERRED REFERENCE SUBJECT
10/21/2022 Sub-Item (23) STATUS: A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 486-2018-00541

Memo from Corporation Counsel, dated 01/07/2020, requesting the opportunity to discuss ongoing settlement negotiations and the status of the claim.

<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

Memo from Council Chair King, dated 10/09/2019, transmitting a proposed resolution entitled “AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL 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
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>
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.

DATE REFERRED REFERENCE SUBJECT
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)

Memo from Deputy Corporation Counsel Brian Bilberry, dated 05/04/2020, requesting the opportunity to discuss the status of the claim.

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

Memo from Deputy Corporation Counsel Christie Trenholme, dated 09/04/2018, requesting the matter relating to potential litigation against opioid manufacturers and distributors be scheduled for discussion.

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

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 Native Hawaiians on Hawaiian Home Lands.

DATE REFERRED REFERENCE SUBJECT
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)

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

DATE REFERRED REFERENCE SUBJECT
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 STATUTES."

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

<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.”

GREAT-59 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

<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.

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

<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.

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

<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.

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

<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 REPLICA GUNS,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.

END OF EXHIBIT “A”