

**GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE**
Council of the County of Maui

MINUTES

June 17, 2025

Online Only via Teams

CONVENE: 1:33 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Nohelani U'u-Hodgins, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member (In 1:50 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Kasie Apo Takayama, Senior Legislative Analyst
Clarissa MacDonald, Legislative Analyst
Peter Hanano, Legislative Attorney
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Keomailani Hirata, Council Aide, Molokai Residency Area Office
Roxanne Morita, Council Aide, Lāna'i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Buddy Almeida, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

ADMIN.: Mimi DesJardins, First Deputy Corporation Counsel, Department of the Corporation Counsel
Brian A. Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Molina, Director, Department of Public Works

OTHERS: Testifier 1 (The Royal House of Hawai'i)
Jasee Law

(10+) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

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CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon, everyone. Will the Government Relations, Ethics, and Transparency Committee meeting of June 17th, 2025, please come to order. It is 1:33 p.m. I am your Chair, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, workspace with you today. Minors do not need to be identified. Let's begin with Committee Vice-Chair Tamara Paltin. Good afternoon. Sawasdee, I think, is our word.

VICE-CHAIR PALTIN: Good afternoon. Sawasdee. Aloha ‘auinalā kākou. And I am in the Chambers today.

CHAIR U‘U-HODGINS: Thank you. Councilmember Tom Cook, good afternoon, and sawasdee.

COUNCILMEMBER COOK: Aloha. Good afternoon.

CHAIR U‘U-HODGINS: Councilmember Gabe Johnson. Aloha. Sawasdee.

COUNCILMEMBER JOHNSON: Sawasdee khrap. There's no testifiers at the Lāna‘i District Office. I'm alone on my side of the office, and I'm here and ready to work. Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you. Councilmember Tasha Kama, good afternoon, and sawasdee.

COUNCILMEMBER KAMA: Good afternoon, Chair. And sawasdee to you.

CHAIR U‘U-HODGINS: Is Council Chair Lee on? I don't see her. Okay. We'll get back to her in a bit. Councilmember Keani Rawlins-Fernandez, good afternoon, and sawasdee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair, mai Molokai Nui a Hina. I'm at the Molokai District office, alone here on my side of the office, and there are currently no testifiers here. Mahalo.

CHAIR U‘U-HODGINS: Thank you. Councilmember Shane Sinenci, good afternoon, and sawasdee.

COUNCILMEMBER SINENCI: Hey, aloha and sawasdee, Chair. Happy to be here this afternoon, and no testifiers in Hāna, Chair.

CHAIR U‘U-HODGINS: Thank you very much. And Councilmember Yuki Lei Sugimura, good afternoon, and sawasdee.

COUNCILMEMBER SUGIMURA: Good afternoon, sawasdee, and looking forward to a electric meeting.

CHAIR U‘U-HODGINS: Okay.

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COUNCILMEMBER SUGIMURA: Yeah.

CHAIR U‘U-HODGINS: From Corporation Counsel, we have with us First Deputy Corporation Counsel Mimi DesJardins; Brian Bilberry of Deputy Corporation Counsel, and Director Molina of Public Works. We have Maria Leon, Committee Secretary; Kasie Apo Takayama, Senior Legislative Analyst; Clarissa MacDonald, Legislative Analyst; Peter Hanano, Legislative Attorney; Richelle Kawasaki is not here with us; Lei Dinneen, Council Services Assistant Clerk; and Jean Pokipala, Council Assistant Services [sic] Clerk. Do we have any testifiers signed up?

MS. MACDONALD: Chair, I don't currently see any testifiers signed up. Oh, one just raised their hand.

CHAIR U‘U-HODGINS: Okay. Do I need to read this whole thing? Okay. Behave, everyone. That's how I'm going to start it. No, just joking. Okay. Testifiers wanting to provide--I'll...I'll do...I'll run through it quick. Jasee, you can wait. Testifiers wanting to provide testimony should sign up in the lobby, join in the online meeting via Teams link, or call into the phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas as well. Under the Sunshine Law, the Chair will receive oral testimony for agenda items at the beginning of the meeting and as the item is called up. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button. If calling in, please follow the prompts via phone, star-5 to raise and lower your hand, and star-6 to mute and unmute. Staff will add names to the testifier list in the order of the testifiers signing up or raising their hands. For those on Team [sic], Staff will lower your hand once your name is call...once your name is called and added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. Please ensure your name appears in Microsoft Teams as the name you prefer to be referred as or anonymous, if you wish to testify anonymously. If you are in-person, please notify the Staff that you would like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you're done testifying, or you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas as well. We will do our best to take up each person in an orderly fashion. We will now call on testifiers wishing to testify at the beginning of the meeting. If you could please call our first testifier?

MS. MACDONALD: Yes, Chair. The first individual signed up to testify is The Royal House of Hawai‘i.

... OPEN PUBLIC TESTIMONY AT BEGINNING OF MEETING ...

TESTIFIER 1: Aloha. I'm test...I'm testifying on everything. And I'm a allodial land tenant under Hewahewa, helu 2327, ‘āpana 2. And I stand before you today...you all to assert

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that any attempts to pass bills, permits, or titles related to land in Hawai'i are fundamentally flawed and potentially illegal. And the reason is simple. All land in Hawai'i is held under allodial title patent...title, patented by the Royal Government of Hawai'i, and this title lasts forever. As such, any efforts to create new land trusts or schemes that contra...contradict the existing Royal Patent to allodial titles that would be...titles would be a crime on an international level. This is because these titles are rooted in the Constitution of Kamehameha III, and the laws of the Kingdom of Hawai'i will supersede any subsequent attempts to alter or undermine them. It's perplexing to hear testimonies about waiting to create land trusts for regular people when in fact, the land is already held in perpetuity under Royal Patent allodial title would...titles for specific families. These titles, established during the Māhele, provide a clear framework for governance and decision-making regarding the land. And why is kānaka getting put on crown lands making it from DHHL, and they have allodial titles already? . . .(inaudible). . . supposed to be for all the people, no matter what, and kānakas get all the Royal Patents already. And given the historical context under exist...existing legal framework it is evident that the Native Hawaiian people, with their Royal Patented allodial titles, would be best suited to govern and decide what happens on their ancestral lands with the reparations from the U.S. After...after all they have lived through, and from the challenges, and the effects of the land mismanagement, and would likely prioritize sustainable and community-driven solutions, avoiding massive evictions because we never would evict people. I urge the Senate [sic] Committee to respect the existing legal framework and recognize the Native...the rights of the Native Hawaiians to the lands as established by the Royal Patented allodial titles. Any attempts to undermine these rights would be a continuation of the injustices that have plagued our islands before...since and before 1893. Follow Kamehameha III's laws and contact the descendants of the Royal Patentents...Royal Patents as needed. And please correct me if I'm wrong. And mahalo for your attention to this critical matter. Any questions, please feel free to let me know.

CHAIR U'U-HODGINS: Thank you very much for your testimony. Members, any clarifying questions? Seeing none. Next testifier, please.

MS. MACDONALD: Chair, the next testifier signed up is Jasee Law.

MR. LAW: Aloha kā'aha [sic] Kalana o Maui. Aloha awakea. Hawaiian word for bird is manu, M-A-N-U.

CHAIR U'U-HODGINS: Thank you. Do we have anybody else signed up to testify?

MS. MACDONALD: No, Chair. Would you like me to do a last call?

CHAIR U'U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know. Or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

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CHAIR U‘U-HODGINS: Thank you.

... CLOSE PUBLIC TESTIMONY AT BEGINNING OF MEETING ...

CHAIR U‘U-HODGINS: We will move on then to the first and only item on the agenda.

ITEM 11(17): RESOLUTION 25-128, SETTLEMENT AUTHORIZATION: CONSERVATION COUNCIL FOR HAWAII‘I AND AMERICAN BIRD CONSERVANCY V. HAWAIIAN ELECTRIC COMPANY, INC. AND MAUI ELECTRIC COMPANY LTD. AND COUNTY OF MAUI; CIVIL 1:24-CV-00494-MWJS-WRP

CHAIR U‘U-HODGINS: We have before us Resolution 25-128, which would approve the settlement of the claim filed on November 19th, 2024. The claim alleges streetlights, owned and operated by Hawaiian Electric Company, Inc. and Maui Electric Company, Ltd. for the County of Maui threatens the survival and recovery of three critically imperiled seabirds that are native to Hawai‘i and are protected on 16 U.S.C. Section 1531 of the Endangered Species Act of 1973. At this time, I'm going to ask brief opening comments by Deputy Corporation [sic] Brian Bilberry before I call for more testimony.

MR. BILBERRY: Thank you, Chair. There we go. Thank you, Chair. So, you will recall, we've been here before to discuss this lawsuit with you. And as the Chair indicated, it is a Federal lawsuit that has been brought under 16 U.S.C. Section 1531 through 1544, which is the Endangered Species Act. And the claims essentially say that artificial lighting...well, let me back up. The...the claim has been brought on behalf on the Conservation Council for Hawai‘i and the American Bird Conservancy. And the complaint that was filed essentially alleges that human artificial lighting, to include streetlights, causes seabird fallout and illegal take of federally-listed endangered seabirds. The complaint says that it's likely that streetlights cause seabird fallout and illegal take. The plaintiffs in the lawsuit seek an order from the court directing Maui County to apply for a Federal take permit. And they assert entitlement to a preliminary injunction seeking an order from the District Court that Maui County take temporary measures to mitigate against seabird fallout pending disposition of the lawsuit. Maui County's position is that we do not concede that streetlights cause seabird fallout or illegal take as distinguished from the other overwhelming sources of human artificial light on the islands of Maui and Lāna‘i, and we do not believe streetlights are a proximate cause of seabird fallout, or that streetlights cause illegal take. That being said, we are willing to take mitigative measures to address seabird fallout, but we're not prepared to apply for a Federal take permit without an adequate showing of proximate cause and...by the plaintiffs and by a court order. So, as I indicated, we were here before, discussed this case with you folks, and we were given some settlement authority towards resolution of the claims in this case. At this point, we have a proposed interim agreement which would be, at best, a partial settlement of the claims pending entire disposition of the suit. And so, we're here today to discuss

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that with you, and then discuss increasing our settlement authority for a possible disposition of the entire case down the road. And that being said, I would ask to go into executive session to give you some details of the interim agreement that we are proposing, and to discuss increase in settlement authority

VICE-CHAIR PALTIN: So moved.

CHAIR U‘U-HODGINS: Thank you very much, Mr. Bilberry. I do have to take testimony, and then you can...you can move all the things you like.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR U‘U-HODGINS: But before that, do we have anybody signed up for...to testify?

MS. MACDONALD: Chair, an individual did raise their hand, but they've already testified at the beginning of the meeting, and we only have one item. So, otherwise, we don't have anybody signed up for this --

CHAIR U‘U-HODGINS: Okay.

MS. MACDONALD: -- item. Would you like me to do a last call?

CHAIR U‘U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U‘U-HODGINS: Thank you. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 11(17) . . .

CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. Members, we're going into discussion period. I will remind you that we do have another meeting at 3:00 p.m. this afternoon. So, out of respect for the next Committee, I'd like to be done in about...hopefully, less than an hour so that we can make that transition. We are going to go into a three-minute questioning period. And as a reminder, again, we most likely need to go into executive session. So, if you have any questions you'd like to ask in open session, please feel...to do so now, and you can raise your hand. We'll start with Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

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CHAIR U‘U-HODGINS: Uh-huh.

COUNCILMEMBER KAMA: I just wanted to know, if you knew, Mr. Bilberry, how many seabirds have been impacted by these lights?

MR. BILBERRY: Oh, we...we have done some discovery process, and we have, I would say, well over 1,000 incident reports that the plaintiffs have produced in this case of seabird fallout events. And we have not seen any indication that any of those reports identify streetlights as a cause of any individual fallout incident.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR U‘U-HODGINS: Does anybody have...have any questions that they would like to ask in open session? No? Okay. Well, in that case then, I will entertain a motion to convene in executive meeting in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liability of the County, the Council, and the Committee. And Section 92-5(a)(8), Hawai‘i Revised Statutes, to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to a State or Federal law, or court order.

VICE-CHAIR PALTIN: So moved.

COUNCILMEMBER COOK: Second.

CHAIR U‘U-HODGINS: Thank you. I have a motion made by Member Paltin, second by Member Cook, to enter into executive session for Resolution 25-128. Any further discussion? Seeing none. Yeah? Okay. Member Johnson, if you are with us, can you please turn on your camera before we go into executive session? I saw that you were having a little bit of technical...okay. Good. Good to see you. Thank you. We're good to go?

COUNCILMEMBER JOHNSON: Yeah. Sorry, trying to get on.

CHAIR U‘U-HODGINS: No. All good. Thank you. Any discussion? No. Seeing none. All those in favor to go into executive session, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's eight "ayes," zero "noes," one excused, Member...Chair Lee. Motion carries.

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NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: RECESS open meeting and CONVENE executive meeting.

CHAIR U‘U-HODGINS: Thank you very much. For the record, the following personnel will be attending this executive session meeting: all Councilmembers in attendance including myself, Committee Chair Nohe U‘u-Hodgins, Committee Vice-Chair Tamara Paltin, Councilmember Tom Cook, Councilmember Gabe Johnson, Councilmember Tasha Kama, Council Chair Alice Lee is not with us, Councilmember Keani Rawlins-Fernandez, Councilmember Shane Sinenci, and Councilmember Yuki Lei Sugimura. Office of Council Service Staff that we...will be with us include Peter Hanano, Legislative Attorney, and Maria Leon, Committee Secretary. Do we have anybody else? No, yeah? That's it. Huh? Oh, Chair's on her way up. Okay. Well, Chair Lee will be with us too. She'll be in person. From Corporation Counsel are--and Director Molina, are all three of you folks going to be with us? Okay. So, we have First Deputy Mimi DesJardins, Deputy Corporation Counsel Brian Bilberry, and Director of Public Works Jordan Molina. At this time then...do I have to wait for Chair Lee to be with us in open session before I call a recess to move into executive session? We don't --

MR. HANANO: Thank you, Chair. I don't think it's necessary that --

CHAIR U'U-HODGINS: Okay, great.

MR. HANANO: -- she be here.

CHAIR U'U-HODGINS: Okay, great. In that case, I am going to call a six-minute recess then...oh, no, five-minute recess, to come back at 1:55 p.m., and we will reconvene in executive meeting. This GREAT Committee is now in recess. . . .(gavel). . . .

RECESS: 1:50 p.m.

RECONVENE: 2:44 p.m.

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CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon, Members. Will the Government Relations, Ethics, and Transparency meeting please reconvene. It is 2:44 p.m. We have just completed our executive meeting on Resolution 25-128. And right now, I’m going to ask Mr. Hanano to please provide us the summary in accordance with Hawai‘i Revised Statute Section 92-4.

MR. HANANO: Thank you, Chair. Your Committee met in the executive session to discuss settlement efforts and discussions of the case, litigation strategies, and defenses to the claims alleged, as well as the rights and liabilities of the County. Thank you.

CHAIR U‘U-HODGINS: Thank you very much. And at this time, I would like to entertain a motion to recommend adoption of Resolution 25-128, including any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: Second.

CHAIR U‘U-HODGINS: Thank you. I have a motion made by Member Cook, second by Chair Lee. Any further discussion? Seeing none. All those in favor, please raise your hand and say aye.

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that’s nine “ayes,” zero “noes.” Motion carries.

VOTE: AYES: Chair U‘u-Hodgins, Vice-Chair Paltin, and Councilmembers Cook, Johnson, Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXCUSED: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of Resolution 25-128.

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CHAIR U‘U-HODGINS: Thank you very much. Members, this item will move on to full Council for its consideration. At this time, this concludes this meeting. Thank you very much. As a reminder, we have DRIP coming up in 15 minutes. And it is 2:45, and this meeting is adjourned. . . .*(gavel)* . . .

ADJOURN: 2:45 p.m.

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Transcribed by: Tricia Higa

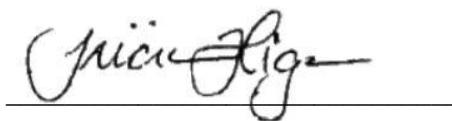
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CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 10 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 10th day of July 2025, in Mililani, Hawai'i



Tricia Higa