

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

October 8, 2024

Online Only via TEAMS

CONVENE: 1:37 p.m.

PRESENT: 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 (left at 4:06 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
Pauline Martins, Senior Committee Secretary
Lori Tengan, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency
Area Office
Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area
Office
Bill Snipes, Council Aide, South Maui Residency Area Office

ADMIN.: Cody Minatodani, Deputy Corporation Counsel, Department
of the Corporation Counsel
Bradley Sova, Deputy Corporation Counsel, Department of
the Corporation Counsel
Moana M. Lutey, County Clerk, Office of the County Clerk
Richelle Thomson, Deputy County Clerk, Office of the County
Clerk
Joy Medeiros, Captain, Department of Police

OTHERS: Jasee Law
Plus (7) other people

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

October 8, 2024

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

CHAIR U‘U-HODGINS: *... (gavel) ...* Will the Government Relations, Ethics, and Transparency Committee meeting of October 8, 2024, please come to order. It is 1:37 p.m. I'm 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, or workspace with you today. Minors do not need to be identified. Let's begin with Committee Vice-Chair Tamara Paltin. Good afternoon and Han.

VICE-CHAIR PALTIN: Han, and aloha ‘auinalā kākou.

CHAIR U‘U-HODGINS: Councilmember Tom Cook, good afternoon and Han.

COUNCILMEMBER COOK: Han. Good afternoon, aloha. There's nobody currently at the Kihei office for testimonies.

CHAIR U‘U-HODGINS: Thank you. Councilmember Gabe Johnson, good afternoon and Han.

COUNCILMEMBER JOHNSON: Han, Chair, Councilmembers, community members. There's no testifiers at the Lāna‘i District office, and I'm alone in my workspace and ready to work. Mahalo.

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

COUNCILMEMBER KAMA: Good afternoon, Chair, and Han to you and everyone else. I'm in my ho...home workspace, and I am alone.

CHAIR U‘U-HODGINS: Okay. Thank you. Council Chair Alice Lee, good afternoon and Han.

COUNCILMEMBER LEE: Good afternoon, Chair. Han. I'm in my workspace alone. And I...I forgot to mention earlier, my Hawaiian side of the family, the first cultural practice I learned was how to play quarter Paiute. And so, Han comes from the word Paiute...from the Indian Nation Paiute. Okay.

CHAIR U‘U-HODGINS: Yes. Thank you. You confirmed what Member Sinenci and I were wondering earlier today. Because I swear, my grandma taught me how to play Paiute as well. No quarters, though, because I think that would have been stealing from a child, but...yeah. And appropriately so, they were in the Vegas area, so that all makes sense.

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

October 8, 2024

COUNCILMEMBER LEE: Right.

CHAIR U'U-HODGINS: Thank you. Member Rawlins-Fernandez, is she with us? Good afternoon and Han. She did say she would be joining from her car for a bit.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou.

CHAIR U'U-HODGINS: Okay. Good. I cannot see her.

COUNCILMEMBER RAWLINS-FERNANDEZ: I am in my vehicle alone, and there are currently no testifiers at the Moloka'i District office.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I should be there in about 20-ish minutes.

CHAIR U'U-HODGINS: Sounds good. See you in 20-ish minutes. Thank you. Councilmember Shane Sinenci. Good afternoon and Han.

COUNCILMEMBER SINENCI: Aloha, Chair, and Han from Hāna, where there's no testifiers.

CHAIR U'U-HODGINS: Thank you. Councilmember Yuki Lei Sugimura. Good afternoon and Han. And we're all glad you're very safe today.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Good afternoon. Han. And looking forward to a productive meeting. Thank you.

CHAIR U'U-HODGINS: Thank you. We have with us from Corporation Counsel, Cody Minatodani, Deputy Corporation Counsel; and Bradley Sova, Deputy Corporation Counsel. We also have with us Moana Lutey, County Clerk; Richelle Thomson, Deputy County Clerk; and Captain Joy Medeiros with us as well from the Department of Police. Our Committee Staff include Pauline Martins, Senior Committee Secretary; Kasie Apo Takayama, Senior Legislative Analyst; Clarissa MacDonald, Legislative Analyst; Lori Tengan, Committee Secretary; Richelle Kawasaki, Deputy Director of Council Services; and Jean Pokipala, Council Services Assistant Clerk. Please see the last page of the agenda for information on meeting connectivity. Do we have any testifiers signed up?

MS. MACDONALD: Chair, we currently don't have anybody signed up to testify.

CHAIR U'U-HODGINS: Okay. One second. I'll read the thing, and then you can come down. Testifiers wanting to provide testimony should sign up in the lobby, join

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

October 8, 2024

on the online meeting via the Teams link, or call in on 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, star-6 to mute and unmute. Staff will add names to the testifier list in the order the testifier sign or raise their hand...sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is 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. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes per item, and you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are 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. We will do our best to take up each person in an orderly fashion. And we will now call up testifiers wishing to testify at the beginning of the meeting. So, you're welcome to begin, Mr. Law.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. LAW: Thank you. Aloha awakea, esteemed Councilmembers and...and MPD representatives. I wanted to say something about Resolution 24-162. I heard a long time ago about the...the guy got killed on Moloka'i when the...when...when the cops shot him. And the newspaper didn't really do that much details, and I didn't hear anything about it. But then I read the...the packet and it's...I feel sorry for the Councilmember from...and everybody from Moloka'i because that's like one of your family members shooting another family member. And it's not to...it's not...there ain't no words for that. So, speaking about words, on page 6 of the...the part where the lawyers...it said complained for a jury trial. I know you guys can't do anything about the...the...what the lawyer says, but the...is this where I see part of the problem with this, they put stuff in at people's heads. And statement of facts, where it says 15, the second sentence...it says, he was homeless and resided near the roadside where he was killed. My...and so, I'm thinking to myself, how could a person that's born and raised...that next statement says, Nathaniel was born and raised on the Island of Moloka'i. So, how can he be homeless if he's at his home at Moloka'i? But that's how the lawyers...I mean, if I could write a letter to 'em, I will. But...and then the other part that really caught my eye was it said they attended the same church that the...the cop...Nathaniel and Officer Welch (*phonetic*) attended the same church.

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

October 8, 2024

And I really would like to...I kind of don't want to know, but I would like to know which church that was, and that...and why they failed the guy. Thank you.

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

MS. MACDONALD: Chair, there is currently no one else who signed up to testify. 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, let's move on with our agenda.

GREAT-16 BILL 132 (2023), RELATING TO AUTHORIZING THE COUNTY CLERK TO MAKE CORRECTIONS AND DELETE INOPERATIVE PROVISIONS IN THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED

CHAIR U'U-HODGINS: We have before us Bill 132 (2023), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE COUNTY CLERK TO MAKE CORRECTIONS AND DELETE INOPERATIVE PROVISIONS IN THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED." Bill 132's purpose is to implement the Charter Amendment designated as Charter Commission Proposal 8, approved by the electorate in 2022 General Election, which is now under Section 5-3(6) of the Charter authorizes the County Clerk, subject to the approval of Corporation Counsel and the Council, to make certain amendments to the Charter, including correcting errors and omissions and deleting provisions that have become inoperative. We discussed this item in January, but the Committee decided to wait for the Clerk's revised copy of the July 2024 Charter before sending the bill to the Council for its consideration. The revised July 2024 Charter was transmitted to the Committee via correspondence dated September 30, 2024, from the Deputy County Clerk, transmitting an updated exhibit bill to 132 (2023), incorporating revisions to ensure consistency in the usage of 'Ōlelo Hawai'i in the Charter, and is attached in today's agenda. At not...at this time, I'm going to request opening comments from Deputy Clerk and Council Clerk...or County Clerk, I'm sorry, Moana Lutey and Deputy County Clerk Richelle Thomson.

MS. THOMSON: Thank you, Chair. So, as...as you noted, this Committee met on January 9th, and after a brief discussion, adopted the proposed amendments

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

October 8, 2024

from our office, which had been reviewed and approved by Corporation Counsel. In addition, there was a...an amendment made to include further changes suggested by Deputy Kristin Tarnstrom. So, that...that all occurred on January 9th. During that discussion, though, several of the Members of the Committee requested that we have the terms in 'Ōlelo Hawai'i reviewed so...for consistency, and also for correct pronounc...punctuation marks, diacritical marks. So, we retained the...the services of Pueo Pata, who reviewed the Charter, and made several corrections, notably in Section 3-1. It's the placenames that are referenced in the Council residency areas, they did not contain diacritical marks in several instances. And so, those were corrected so that the placenames reflect the actual placenames there. So, what we have provided today is a clean version incorporating the changes that had been previously approved by the Committee, as well as...as Pueo's changes. One of the things that I wanted to call out, though, is Deputy Tarnstrom recommended one change to Section 9-14, and that was in the first sentence, changing shall to must. And upon further review, our office decided not to include that change in...in today's exhibit before you. And the reason for that is that there are several other mentions of the word shall within that paragraph, and we felt that it would lead to confusion if changing just, you know, the first sentence shall to must and not changing the others shall to must. Another consideration that I think warrants probably a larger discussion with your attorneys is the use of shall throughout the Charter, you know, and whether this Council wants to propose a Charter amendment at some point to change all of those to must or handle it in a different way. So, our office would request the Committee's consideration of substituting the exhibit to the bill with the one that we sent up a few days ago for the Committee's consideration. Thank you.

CHAIR U'U-HODGINS: Thank you. Before we get into discussion, can we please see if there's anybody willing to testify on this item, GREAT-16.

MS. MACDONALD: Yes, Chair. There is currently no one who is signed up to testify. 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 individuals wishing to testify on this item, without objections, I will now close oral testimony. As a reminder, written testimony can still be accepted.

. . . END OF PUBLIC TESTIMONY . . .

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-16.

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**

Council of the County of Maui

October 8, 2024

CHAIR U'U-HODGINS: Thank you. One second. I will be implementing a three-minute questioning period with a one-minute follow-up round. And so let's begin. If anybody has any questions, please raise your hand for the Clerks. Any questions? I see nobody's hand raised. Okay. I just have a super-quick question before we move on. I understand that certain whole sections are highlighted, but I was just curious on why other sections throughout the Charter was also highlighted? For instance, on page 8, paragraph 5, if you could...I see the changes you made, but I was wondering how come the whole thing was highlighted.

MS. THOMSON: Thank you, Chair. So, those...that version with all of the highlights and the...the redlining, that was sent to Pueo Pata. He also updated the 'Ōlelo Hawai'i version of the Charter at the same time that he was going through it for consisten...the English version for consistency. So, those...but the...the version that we have in 'Ōlelo Hawai'i is several years old, so there are more changes that had to be made to the Hawaiian version. And those highlights were really just to help him not have to go word for word and...and compare it. So, it...those are...extra highlights is...is really what it is, but they were more for Pueo's use to point out all of the changes that had happened since...I believe it was 2022 or 2021.

CHAIR U'U-HODGINS: Thank you. Okay. That's all I needed to know. And if no one has any other questions, then I will move onto voting. Great. Seeing none. I would like to entertain a motion to recommend passage of Bill 132 (2023) on first reading.

COUNCILMEMBER SUGIMURA: So move.

COUNCILMEMBER LEE: So moved. Second.

CHAIR U'U-HODGINS: Thank you. I have a motion made by Member Sugimura, seconded by Councilmember Tom Cook. Any further discussion? Seeing none. I would like to entertain a motion to amend Bill 132 (2023) by substituting the attached Exhibit 1 with the one attached to the correspondence dated September 30, 2024, from the Deputy County Clerk.

COUNCILMEMBER SUGIMURA: So move.

CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER LEE: Second.

CHAIR U'U-HODGINS: I have a motion made by Member Sugimura, seconded by Council Chair Lee. Any further discussion?

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

October 8, 2024

COUNCILMEMBER SINENCI: Yeah. Mahalo to the Staff for their correct spelling, capitalization, punctuation, and your subject-verb agreement. A-plus.

CHAIR U‘U-HODGINS: Thank you, Member Sinenci. Yes, definite A-plus. Well, seeing no further discussion, all those in favor, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that’s eight “ayes,” zero “noes,” one excused, Member Rawlins-Fernandez. Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: AMEND BILL 132 (2023).

CHAIR U‘U-HODGINS: Thank you. And again, hana hou, main motion as amended. All those in favor, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that’s eight “ayes,” zero “noes,” one excused, Member Rawlins-Fernandez. Motion carries.

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**

Council of the County of Maui

October 8, 2024

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: FIRST READING OF BILL 132, CD1 (2023).

CHAIR U‘U-HODGINS: Thank you. Thank you, Members. Thank you very much, Clerks. We appreciate all your hard work. Thank you. Okay. Moving on. Okay, we'll give you folks a second.

GREAT-11(49) RESOLUTION 24-162, AUTHORIZING SETTLEMENT OF JULIEANN NAKI, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF NATHANIEL JOSHUA NA WA‘E WA‘E MAKALA KA KAI NAKI, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL CV-23-24-00383-HG-WRP

CHAIR U‘U-HODGINS: We have before us Resolution 24-162, which...which would approve the settlement of the claim filed on September 14, 2023. The claim alleges that defendant police officers, Department of Police, County of Maui unlawfully shot Nathaniel Nā Wa‘e Wa‘e Makala Ka Kai Naki, (“Descent”) [sic] on April 30, 2023 of the island of Moloka‘i, Hawai‘i, and that the injuries suffered resulted in the Decedent's...Disent's [sic] death...I know I'm butchering that word. I am now going to ask for opening comments from Deputy Corporation Counsel Bradley Sova.

MR. SOVA: Thank you, Chair. Yes, my name is Bradley Sova, Deputy Corporation Counsel. I am here to speak about this matter. I will note, there has not been a settlement in this matter, but there is a settlement conference set with the court on October 22nd, and we are seeking settlement authority so that we can more meaningfully participate in that settlement conference. As far as my specific comments about the case itself and the County's possible liabilities, I would reserve that for executive session. I will note that I do also have, as noted,

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**

Council of the County of Maui

October 8, 2024

Captain Joy Medeiros with me, who can hopefully help me answer some of the, I guess, more procedural-type questions that may come up.

CHAIR U'U-HODGINS: Thank you, Mr. Sova. Captain Medeiros, did you have any opening comments you would like to share?

MS. MEDEIROS: No, Chair. Thank you.

CHAIR U'U-HODGINS: Thank you. Before we get into discussion, can we please do a last call on testimony for this item, GREAT-11(49)?

MS. MACDONALD: Yes, Chair. For last call, 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 individuals wishing to testify, without objection, I would now close oral testimony for item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-11(49).

CHAIR U'U-HODGINS: Thank you. And as a reminder...

COUNCILMEMBER LEE: No objections.

CHAIR U'U-HODGINS: Thanks. As a reminder, written testimony will continue to be accepted. We're going to implement another three-minute questioning period with a one-minute questioning round...if you guys have any questions before we go into executive session. Member Paltin, please.

VICE-CHAIR PALTIN: Do the officers on Moloka'i carry tasers?

MS. MEDEIROS: Yes, Councilmember.

VICE-CHAIR PALTIN: And then it said that the person who had the restraining order isn't the one who called in the violation of the restraining order?

MR. SOVA: That's correct.

VICE-CHAIR PALTIN: And was there any video, or proof, or evidence of the restraining order being violated?

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

October 8, 2024

MR. SOVA: The testimony of the individual that made the call, yes. But independent video, I believe there was a camera on the premises, but it was not working, so that was not able to be recovered.

VICE-CHAIR PALTIN: So, it's the person-that-made-the-call-in's word against the-person-that-was-killed's word?

MR. SOVA: So, I believe that...actually, let me walk back my prior comment. So, it was primarily based on the testimony of the individual that called it in. But there were other witnesses on scene who did witness the alleged violation of the protective order.

VICE-CHAIR PALTIN: At the Wednesday night community meetings, they said that if it's kind of like a mental health situation, that you can call 9-8-8 instead of 9-1-1; and then they respond as though it's a mental health. Is that...like they would respond knowing that the situation requires mental health intervention, or is that not how it works?

MS. MEDEIROS: 9-8-8 is more for if somebody is going through a crisis, which this is pos...one of those possible incidences. But the reason why they called 9-1-1 is because of the criminal offense regarding the protective order.

VICE-CHAIR PALTIN: Even if they had knowledge that he had mental health issues, they still called 9-1-1, but 9-8-8 could have been called?

MS. MEDEIROS: 9-8-8 is usually for like providers or family members that usually call. And people can call for themselves, and it's usually for like a mobile crisis individual to come out and help the person through...and guide them through their crisis that they're actually experiencing.

VICE-CHAIR PALTIN: So, if...if the person that filed the restraining order had witnessed the violation of the restraining order, and knew that the violator of the restraining order had mental health issues, would they call 9-8-8 or 9-1-1?

MS. MEDEIROS: They would still call 9-1-1 because of the protective order...because of the criminal offense that were...was occurring.

VICE-CHAIR PALTIN: Okay. That's all my questions. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification, on Granicus correspondence from Corporation Counsel, which the testifier was reading off of, was that from the plaintiff [sic]?

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

October 8, 2024

MR. SOVA: I believe...I have in front of me the second amended complaint that was filed by the plaintiffs, and I believe that's what was being read from. So, that was filed by the plaintiffs, not by my office.

COUNCILMEMBER SINENCI: Not...not from Corporation Counsel.

MR. SOVA: That's correct.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Sinenci. Any other questions before I go into executive session? Do you have any questions? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I saw Member Kama with her hand up.

CHAIR U'U-HODGINS: Oh. Member Kama, I'm sorry, I missed you. Do you have a question?

COUNCILMEMBER KAMA: No, I found the documents, Chair. Thank you.

CHAIR U'U-HODGINS: Oh, okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR U'U-HODGINS: Uh-huh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha. Mahalo for being with us. So...oh, shoot, what was my question? Oh. There was a conference settlement scheduled for October 1st, and it was postponed to October 22nd, my son's birthday. Is this the reason that it was postponed? It didn't say on the record why it was postponed.

MR. SOVA: It was postponed because of a scheduling conflict with the magistrate judge. So, it was independent of what's happening right now.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if that was scheduled for October 1st, then you wouldn't have had this resolution for settlement authorization considered before then. Is there a reason that this wasn't transmitted to us before the October 1st schedule date?

MR. SOVA: I think that would be better answered in executive session. I apologize.

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

October 8, 2024

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then the rest of my questions will be for executive session. Mahalo, Chair.

CHAIR U‘U-HODGINS: Sounds good. Members, does anybody else have any questions before we go into the executive session? Okay. Seeing none. Yeah. Please, go ahead, Member Paltin.

VICE-CHAIR PALTIN: The part...so, this is from he...their...the family's attorney. And there was a part where it said after it was cordoned off, and the family wasn't allowed to render like first aid, or CPR, or anything like that?

MR. SOVA: So, again...assuming you're referring to the complaint that was referenced by the testifier, yes, that is from plaintiff's counsel, and those are the allegations that are made in the complaint. You know, I could take issue with some of that, but again, I think that would be more appropriate for executive session.

VICE-CHAIR PALTIN: Okay. Because I was going to ask about that. So, ask in executive session?

MR. SOVA: Please.

VICE-CHAIR PALTIN: Okay.

CHAIR U‘U-HODGINS: Member Kama.

COUNCILMEMBER KAMA: Sorry, Chair.

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER KAMA: So, I'm reading...according to the documents that I was looking at, that both of the officers are being sued in their individual capacity; is that right?...and not as officers of the court...or the...or employees of the County?

MR. SOVA: That's correct. The two officers are being sued in their individual, and not their official, capacity.

COUNCILMEMBER KAMA: Okay. Okay. Thank you.

CHAIR U‘U-HODGINS: Thank you, Member Kama. Any other...go ahead, Member Paltin.

VICE-CHAIR PALTIN: So, this went before the Police Commission, and the Police Commission didn't want to represent them?

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

October 8, 2024

MR. SOVA: So, this matter did come before the Police Commission, and the Police Commission did actually vote unanimously to provide representation...that's pursuant to HRS 52-8 and -9, which creates an entitlement for police officers to receive representation from the County in civil matters for acts that are undertaken in the course and scope of their duties.

VICE-CHAIR PALTIN: After hearing from you guys in executive session?

MR. SOVA: Yes, and receiving materials from the Police Department concerning the incident.

VICE-CHAIR PALTIN: And that's why we're here today?

MR. SOVA: That's part of why we're here today, yes.

VICE-CHAIR PALTIN: Okay. Thank you.

CHAIR U'U-HODGINS: Okay. Any other questions before we go into executive session? Okay. Seeing none. I will entertain a motion to convene in a 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 [*sic*] of the County, the Council, and the Committee, and Section 92-5(a)(8), Hawai'i Revised...Hawai'i Revised Statues...Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR U'U-HODGINS: I have a motion by Member Sugimura, seconded by Member Cook, to enter into executive session for item GREAT-11(49). Any further discussions? 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.

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**

Council of the County of Maui

October 8, 2024

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: APPROVE; RECESS open meeting and
CONVENE executive meeting.**

CHAIR U‘U-HODGINS: Thank you. One second. For the record, the following personnel will be attending the executive session meeting; all Councilmembers in attendance including myself, Committee Chair Nohelani U‘u-Hodgins, Committee Vice-Chair Tamara Paltin, Councilmember Tom Cook, Councilmember Gabe Johnson, Councilmember Tasha Kamba...Kama, Council Chair Alice Lee, Councilmember Keani Rawlins-Fernandez, Councilmember Shane Sinenci, and Councilmember Yuki Lei Sugimura. Office of the Council Services Staff include Richelle Kawasaki, Deputy Corporation...I'm sorry, Deputy Director of Council Services; and Pauline Martins, Senior Committee Secretary; and Lori Tengan, Committee Secretary. And can I ask from Corporation Counsel if it's going to be just you, Mr. Sova, and Captain Medeiros?

MR. SOVA: That's correct.

CHAIR U‘U-HODGINS: Okay. From Corporation Counsel we have Deputy Corporation Counsel Bradley Sova and Police Captain Joy Medeiros from the Administration who will be in our session. It is now 2:06, and we're going to take a 10-minute recess to 2:16 when we reconvene an executive meeting. This meeting is now in recess. . . .(gavel). . .

RECESS: 2:06 p.m.

RECONVENE: 4:22 p.m.

CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon. Will the Government Relations, Transpar...Ethics, and Transparency Committee meeting please reconvene. It is

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

October 8, 2024

4:22. Members, we have just completed our executive session meeting on GREAT-11(49). And right now I'm going to ask Deputy Director Kawasaki to please provide us the summary in accordance with Act 19 (2023).

MS. KAWASAKI: Thank you, Chair. Your GREAT Committee met to discuss settlement efforts, as well as the rights and liabilities of the County. There were four items that were discussed that need to be placed on the record as part of the open record. First, there were references made to publicly-available body-worn camera footage of the police officers. That video was not viewed in Committee, but there were references to that. Secondly, there was a request made by Councilmember Keani Rawlins-Fernandez for a copy of the defendant's answer in this case. The defendant for the record is the County. And then Deputy Corporation Counsel Brad Sova provided a brief overview of the process of restraining orders, and we would ask him to recap that during this open session. And finally, for him to provide his brief statement of the facts of the case also on the open record. Thank you.

CHAIR U'U-HODGINS: Thank you.

MR. SOVA: Thank you.

CHAIR U'U-HODGINS: Mr. Sova?

MR. SOVA: Thank you. And I apologize, one correction. There were actually two answers that were filed; one on behalf of the County, and one that was filed on behalf of the officers. As to the process of retaining...or obtaining a restraining order, generally, how that would proceed; the person would file a petition for a temporary restraining order with the court, which would decide it ex parte based upon the filing, either granting a temporary restraining order or denying it. If the temporary restraining order is granted, then typically the court would set the case for a hearing where the parties would be able to submit evidence. The court could convert the temporary restraining order into a full protective order with whatever terms were relevant. Or if the Court believes that a restraining order is not supported, it would deny the restraining order, at which point the temporary restraining order would no longer be effective. As to brief statement of the facts of this case, this matter involves a police shooting which occurred on April 30th, 20...the morning of April 30, 2023. There had been a call for a potential violation of protective order. The two named officers, Officer Welch and Officer Gandeza responded to the scene, spoke to the person that called in the allegation of violation of protective order. They received his statement. They proceeded from that location to locate the suspect, Mr. Naki. Upon their encounter, Mr. Naki did have a machete. There was a confrontation, which ultimately resulted in shots being fired, and Mr. Naki did subsequently pass away from his injuries.

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**

Council of the County of Maui

October 8, 2024

CHAIR U'U-HODGINS: Thank you, Mr. Sova. Members, as discussed, this case has an upcoming court hearing, so this resolution is also posted on Friday's Council meeting agenda for this body's consideration. So, with that said, if there are no objections, I will now defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR U'U-HODGINS: Thank you. This concludes the Government Relations, Ethics, and Transparency Committee meeting. Thank you very much, Members. It is 4:26, and this meeting is adjourned. . . .(gavel). . .

ADJOURN: 4:26 p.m.

APPROVED BY:



NOHELANI U'U-HODGINS, Chair
Government Relations, Ethics, and
Transparency Committee

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Transcribed by: Tricia Higa

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

October 8, 2024

CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 17 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 15th day of November 2024, in Mililani, Hawai'i



Tricia Higa