

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

**MINUTES**

**May 17, 2024**

**Online Only via TEAMS**

**CONVENE:** 9:06 a.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  
Councilmember Yuki Lei K. Sugimura, Member

**EXCUSED:** Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member

**STAFF:** Kasie Apo Takayama, Senior Legislative Analyst  
Clarissa MacDonald, Legislative Analyst  
Pauline Martins, Senior Committee Secretary  
Richard Mitchell, Legislative Attorney  
Criselda Paranada, Committee Secretary  
David Raatz, Director, Office of Council Services  
Lenora Dinneen, Council Services Assistant Clerk

Roxanne Morita, Council Aide, Lāna‘i Residency Area Office  
Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office  
Angela Lucero, Executive Assistant to Councilmember Paltin

**ADMIN.:** Victoria J. Takayesu, Corporation Counsel, Department of the  
Corporation Counsel  
Kristin Tarnstrom, Deputy Corporation Counsel, Department of  
the Corporation Counsel  
Michael Hopper, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Caleb Rowe, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Wade Maeda, Deputy Chief, Department of Police  
Daniel Shupack, CIP Program Coordinator, Department of  
Management

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Jordan Molina, Director, Department of Public Works  
Moana M. Lutey, County Clerk, Office of the County Clerk  
Richelle Thomson, Deputy County Clerk, Office of the County  
Clerk

**OTHERS:** Jasee Law  
Johann Peter Lall  
Plus (11) other people

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

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CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good morning. Will the Government Relations, Ethics, and Transparency Committee meeting of May 17th, 2024, please come to order. It is 9:06 a.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 morning.

VICE-CHAIR PALTIN: Good morning, and aloha kakahiaka kākou, and ohayo gozaimasu.

CHAIR U‘U-HODGINS: Ohayo gozaimasu. Happy Aloha Friday. Councilmember Tom Cook, good morning.

COUNCILMEMBER COOK: Aloha Friday and annyeong.

CHAIR U‘U-HODGINS: All right. I can't say that one, so I won't try. Councilmember Gabe Johnson, good morning.

COUNCILMEMBER JOHNSON: Minasan, ohayo gozaimasu. Genki desu ka. There's no testifiers at the Lāna‘i District Office, and I'm here and ready to work. Mahalo.

CHAIR U‘U-HODGINS: Thank you, Member Johnson. Council Chair...oh, Councilmember Tasha Kama, good morning.

COUNCILMEMBER KAMA: Good morning, Chair. And aloha kakahiaka to everyone, and ohayo gozaimasu.

CHAIR U‘U-HODGINS: Ohayo gozaimasu. Council Chair Alice Lee, ohayo gozaimasu.

COUNCILMEMBER LEE: Same to you, and annyeong for all of our Korean friends.

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CHAIR U'U-HODGINS: Annyeong.

COUNCILMEMBER LEE: Thank you.

CHAIR U'U-HODGINS: Good morning. Oh. Member Rawlins-Fernandez, good morning. Is she on? I don't see her face yet. She's excused for now. Councilmember Shane Sinenci is excused. And Councilmember Yuki Lei Sugiyama, ohayo gozaimasu.

COUNCILMEMBER SUGIMURA: Ohayo gozaimasu. And I can tell you're in this peppy meeting mood, so let's get to it.

CHAIR U'U-HODGINS: Yay.

COUNCILMEMBER SUGIMURA: Yay.

CHAIR U'U-HODGINS: Happy Aloha Friday. Let's get with it.

COUNCILMEMBER SUGIMURA: Happy Aloha Friday.

CHAIR U'U-HODGINS: Okay. From Corporation Counsel we have Kristin Tarnstrom, Deputy Corporation Counsel Michael Hopper, and Victoria Takayesu, Corporation Counsel, will be joining us later. From the Maui Police Department, we have Deputy Chief Wade Maeda. From the Department of Management, we have Josiah Nishita, Managing Director. And the Department of Public Works...or Director, Jordan Molina. We also have our wonderful Committee Staff, Pauline Martins, Senior Secretary...Senior Committee Secretary; Kasie Apo Takayama, Senior Legislative Analyst; Clarissa McDonald, Legislative Analyst; Richard E. Mitchell, Legislative Attorney; and Lei Dinneen, Council Services Assistant Clerk. For testimony...oh, please see the last page of the agenda for information on meeting connectivity. Testimony...testifiers wanting to provide testimony should sign up in the lobby, join on 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](http://mauicounty.us/agendas) as well. Under the Sunshine Law, the Chair will receive oral testimony for agenda items at the beginning of the meeting as...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-five to raise and lower your hand, star-six to mute and...and unmute. Staff will add names to the testifiers list in the order the testifiers sign up or raise their hand. 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

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your time to testify. At the time...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. If you're 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](http://mauicounty.us/agendas). We will do our best to take up each person in an orderly fashion, and we will now call on the testifiers wishing to testify at the beginning of the meeting. So, Staff, if you could please call our first testifier, if any.

MS. MACDONALD: Chair, there's currently no one else...or 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 --

MR. LAW: Nohelani, I wanted to say you're doing a great job.

CHAIR U'U-HODGINS: Thank you. Member Gabe...Member Johnson?

COUNCILMEMBER JOHNSON: I'm getting texts that says we're...we lost sound.

CHAIR U'U-HODGINS: Oh, shucks. Okay.

COUNCILMEMBER JOHNSON: So, I'm not sure if anyone else can confirm it or not.

CHAIR U'U-HODGINS: Okay. Let's take a three-minute recess, to come back at 9:13, to ensure we have sound for everybody. Thank you, Member Johnson.  
...*(gavel)*...

**RECESS: 9:10 a.m.**

**RECONVENE: 9:17 a.m.**

CHAIR U'U-HODGINS: ...*(gavel)*... Thank you for that short recess so we could figure out our sound. It is now 9:17 a.m. and Member Rawlins-Fernandez should be joining us shortly. Staff, do we have any other testifiers for the beginning of the meeting?

MS. MACDONALD: Chair, there is currently no one else who has signed up to testify. If you'd like, I can do a last call.

CHAIR U'U-HODGINS: Yes, please.

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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.

**GREAT-24 BILL 51 (2024), RELATING TO A BILL FOR AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL  
AGREEMENT WITH DEPARTMENT OF HEALTH**

CHAIR U'U-HODGINS: Thank you. Okay. Let's move on to GREAT-24, Bill 51. We have before us Bill 51 (2024), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH." Bill 51's purpose is to authorize the Mayor into an intergovernmental agreement...excuse me...between the County of Maui's Department of Police and the Department of Health, State of Hawai'i, to provide access to data from reports related to the violent deaths occurring in Maui County. If I could now request opening comments from Deputy Chief Maeda, Police Department.

MR. MAEDA: Hello. Can you hear me? Okay. Good morning, Chair. Good morning, Councilmembers. This bill...this bill basically is to enter into an agreement between the Maui Police Department and the Department of Health. The CDC has a National Violent Death Reporting System that can be accessed online by anybody. And what...what it is, is the Department of Health manages a small grant in the amount of \$10,000. And to extract the data they need from MPD, we need to enter an MOU. And so, what they do is they...they...they're vetted first, the people that have access to the data. And none of the victim or offender's information is reported, just...just the...the manner of death and the...the...the time and dates and stuff. So, nothing identifying anybody related to that...connected to the...that violent death. And it's something that it helps the CDC and anybody getting statistics. So, at the end of the year...at the end of the year, the Records Section, they do charge back Department of Health to do the research, and...and that's why the...the grant is there. Thank you.

CHAIR U'U-HODGINS: Deputy Corporation Christian (*phonetic*)...Kristin Tarnstrom, do you have any opening comments you'd like to share?

MS. TARNSTROM: No. Thank you, Chair.

CHAIR U'U-HODGINS: Okay. Before we get into discussion, I'd like to do a last call for testimony on this item, GREAT-24, please.

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MS. MACDONALD: Chair, there's currently no one who has 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: Excuse me. Thank you. Members, seeing there are no individuals wishing to testify, without objection, I will now close oral testimony...testimony for this item.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY FOR GREAT-24 . . .**

CHAIR U'U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. Members, we're now going to go into the discussion period. So, if you have any questions, we all have three minutes to ask. If you have any questions, please raise your hand. Member Paltin.

VICE-CHAIR PALTIN: I just was wondering...I guess when I read this, if somebody is poisoned, is that considered a violent death?

MR. MAEDA: Yes. Well, the...the manner of death would have to be investigated first. And once it's...it's been vetted that the person has been poisoned, then that would qualify as a violent death.

VICE-CHAIR PALTIN: So, anything un...not natural, or not accidental?

MR. MAEDA: Yes. It's caused by another person. Yeah.

VICE-CHAIR PALTIN: Okay. And then, when you said the Department of Health person that will receive it is vetted, that they have like background checks and stuff like that?

MR. MAEDA: Yes. We...we do a criminal background check on...on the individual that does extract the data, and they have limited access to our data, only...only...only certain that...that certain crime stats. And they're...they're not allowed to --

VICE-CHAIR PALTIN: We don't transfer the personal information --

MR. MAEDA: Yes. Yes.

VICE-CHAIR PALTIN: -- it's redacted format.

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MR. MAEDA: Just the raw...just the raw data, yes.

VICE-CHAIR PALTIN: And then, if we wanted to access that after this goes through and you hand over those records, where would...is it accessible by the public, or...

MR. MAEDA: Yes. There's a national website. The CDC...it's called the CDC National Violent Death Reporting System, and it's...it's online. And then you can go by State and even by Maui, and find out how many violent deaths there were in 2023 and...and so forth.

VICE-CHAIR PALTIN: And this is new for us, or a renewal?

MR. MAEDA: No, we've been...we've been in...we've had an MOU with the Department of Health and reporting to the CDC since the...2015.

VICE-CHAIR PALTIN: So, we're doing it again?

MR. MAEDA: Yeah, we just do it annually. We just...we do the MOU. Yeah.

VICE-CHAIR PALTIN: Oh, shoot.

MR. MAEDA: Because we...we receive monies from the grant, that's why.

VICE-CHAIR PALTIN: Oh, this is the first time I recall doing it. Okay. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Members...Member Kama, go ahead.

COUNCILMEMBER KAMA: Thank you, Chair. So, my question, Chief, is the raw data that's being collected, is race included in that?

MR. MAEDA: I do not believe so.

COUNCILMEMBER KAMA: Okay. Because if the intent of getting this information is to be able to develop a comprehensive picture of circumstances surrounding the violent death, in order so that...to develop, guide, evaluate, and improve violence prevention efforts and strategies, I would think that the race of a person would be helpful in determining some of that evaluation and how you move forward in terms of prevention.

MR. MAEDA: Yeah, you...you're...you're correct. I probably would have to research that. I mean, I'm giving you my...my --

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COUNCILMEMBER KAMA: Yes. Yeah.

MR. MAEDA: -- best answer I can right now.

COUNCILMEMBER KAMA: Yeah.

MR. MAEDA: But it could be...they could include race.

COUNCILMEMBER KAMA: Yeah.

MR. MAEDA: Yeah. But...and there's no other identifiers, if they were to include race though. Yeah.

COUNCILMEMBER KAMA: Right. Yeah. Because it's just raw data, right?

MR. MAEDA: Yes.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Any other questions before I ask for the motion? Seeing none. I would like to entertain a motion to recommend passage of Bill 51 (2024) on first reading.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: Thank you. Motion made by Councilmember Kama, second by Councilmember Sugimura. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's seven "ayes," zero "noes," two excused, Members Rawlins-Fernandez and Sinenci. Motion carries.





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MR. HOPPER: If I could, because this is in the nature of a...of a settlement.

CHAIR U'U-HODGINS: Okay. We have with us Deputy Corporation Counsel Michael Hopper. Go ahead.

MR. HOPPER: Thank you, Chair. Deputy Corporation Counsel Michael Hopper.

CHAIR U'U-HODGINS: Yes. Sorry. Thank you.

MR. HOPPER: I...yes. I am...I'm here to sort of introduce this item. As with other settlements, we may need to have some discussion in executive session, depending on the questions. I do have Jordan Molina with the Department of Public Works, and Dan Shupack from the Department of Management here, as their departments are involved with this agreement as well.

CHAIR U'U-HODGINS: Okay.

MR. HOPPER: This is a...an ordinance that involves...that's required to come before you for several reasons. This involves the alleged violations from the United States EPA involving seven large-capacity cesspools on County of Maui...Maui-owned properties. The agreement involves the payment of a fine of \$193,000, the closure of the alleged large-capacity cesspools--that, by the way, is already underway and has been underway--and a...a Countywide audit of all County-owned properties, or managed properties, to determine whether there are any additional large-capacity cesspools, and to have those cesspools closed. I think you are most likely familiar with some of this already, as the Council has already been funding the...the closure of the known cesspools. Two in Hāna...the two in Hāna, I think, are...have been...there's a construction contract that's been entered into in order to close those. That was after design and permitting work was completed. And I believe the design and permitting work for the other properties is...is underway. That's happening...that's required by this agreement and is happening right now, but in order to finalize this agreement with EPA, we would need Council approval for both the payment of the fine and for the...and the fact that this is a intergovernmental agreement with the Federal Government. So, those are the couple reasons why it would have to come to you. I would note that in 2018, Kamehameha Schools entered into a similar agreement, and the State Department of Land and Natural Resources in 2022...each entered into a similar agreement that involved the closure of one cesspool, the payment of a fine, and a Countywide...or in their case, a Statewide audit. In our case, we...we would only have to deal with the County of Maui, obviously, but Kamehameha Schools and DLNR both had to deal with a Statewide audit of all of their properties. Our office recommends approval of this. If we need to get into the details and...and background, we

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may need to go to executive session. If there's questions on this agreement, what it requires, things like that...this agreement is part of the public record. This is a draft. EPA has let us know they are...you know, this is, you know, their proposal and our office recommends acceptance of this and...and can...can answer questions. We have Jordan Molina with Department of Public Works, who...who...which is the Department that has been working on the design, permitting, and construction to close the known cesspools. Those will involve creating individual wastewater systems, and...and you know, closing down those...those cesspools. That can take some time, obviously, because of design and permitting and things like that, but that's...that's underway. And then we have...Dan Shupack is here from the Office of Management because the plan would be for the Countywide audit because it involves multiple departments for the Department of Management to sort of head that up, along with, you know, the cooperation from other departments because County properties can span through other departments. So, I think that was the plan with the Countywide audit. But altogether, again, I think this is a similar agreement as, you know, Kamehameha Schools and DLNR had entered into. So, there is a precedent for this. And I think that...that we would recommend approval of this...of this agreement to close down all known cesspools, and also locate if there's any additional ones and have those...those decommissioned as well. So, we would sort of know...we'd sort of have a clean bill of health, so to speak, as far as, you know, compliance with the Safe Drinking Water Act. So, that's...that's all I have right now. And if there's questions, you know, perhaps I can help answer.

CHAIR U'U-HODGINS: Thank you. Do you have a clarifying question? If not, I have to take testimony before we get into discussion. Thank you. Is there any other person from Administration that would like to offer opening comments? If not, we can move on to testimony. Seeing none. You're good? Great. Thank you. Staff, can we please see if there's any testimony for this item, GREAT-25?

MS. MACDONALD: Chair, there's currently no one who has 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, without objection, I will now close oral testimony for this item.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY FOR GREAT-25 . . .**

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CHAIR U‘U-HODGINS: Thank you very much. And as a reminder, written testimony will continue to be accepted. We're now going to go into our discussion period. So, we'll have a three-minute questioning round. Member Johnson, you can start us off.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, everyone. Thank you for joining us. Real quick, on the...you use the term closing down the...the cesspool. Can we get...can you kind of explain what that means by closing them down, shutting them down? What is that, what...is it emptying the cesspool? Is it putting anything back in? What are we doing exactly?

MR. HOPPER: I would...perhaps Jordan Molina and his Department could give more detail on that. They've been entering into the contracts to...to perform that work. I don't want to give a mistaken...and it may vary, depending on the...the terrain for the different --

COUNCILMEMBER JOHNSON: Okay.

MR. HOPPER: -- you know, projects, but I would...I would, you know, defer that to...to --

COUNCILMEMBER JOHNSON: Director Molina.

MR. HOPPER: -- Molina and his Department.

COUNCILMEMBER JOHNSON: Sure.

MR. HOPPER: And if we can't get that answer right away, we can find that out because we have a scope of work for these...these contracts. But I would...I would see if he's available to answer that...that question.

CHAIR U‘U-HODGINS: Thank you. Director Molina, are you available?

MR. MOLINA: Hi. Good morning. Jordan Molina, Director at Public Works. Yeah. So, closing the cesspool means filling the puka and cutting off the piping that drains to the puka.

COUNCILMEMBER JOHNSON: So, okay. Thank you for that clarification. Any...are we...any...any plans for remediation or any kind of mitigation, anything like that is required, or just filling the hole, closing the pipe?

MR. MOLINA: Yeah. And have...providing the alternate system for the wastewater handling.

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COUNCILMEMBER JOHNSON: Oh, okay. And then I guess my follow-up question is maybe for Director Molina. Why did it take a fine to get us to do this? We knew for a long time, cesspools, not a good call, right? So, why did it take a stick instead of a carrot?

MR. HOPPER: This I would want to answer, and I'm happy to answer those questions, but I think we should answer those in executive session right now.

COUNCILMEMBER JOHNSON: Okay.

MR. HOPPER: Because if this agreement is not approved--I don't see any reason why it wouldn't be necessarily--but if it's not approved, we would have to continue the litigation with the EPA on these...these items. But that's...and I can...you know, we can get into that, but I don't want to necessarily do that in open session.

COUNCILMEMBER JOHNSON: All right. You don't have to answer that. I don't need...not requiring exec session. Maybe just the question stands, is we should...we shouldn't wait for fines to do these types of things. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Johnson. Members...Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Thank you. So great that this is happening, and it's a...it's something that we need to do around the whole island. So not only, you know, with these that are listed, but...I mean personally, Upcountry, we don't have any wastewater system, so we have to do these conversions. But my question is related to Upcountry Hāli'imaile. They have what I call the gang cesspool, you know, for their community. And I see it's not listed here because it's not County. But it kind of is County because we charge wastewater fees to the residents, but yet, it's kind of Maui Land and Pine wastewater system.

MR. HOPPER: Well, I mean, we're going to perform a Countywide audit to locate any others that are County-owned or managed. But...but if it's not a County-operated property, this agreement wouldn't cover it. So, these would have to be either...generally that's going to cover County-owned or if the County has an executive order, you know, from the State, which occasionally you may find--you know, some of...some County properties are like that--but right now, I think these are the ones that we have that are known. They are also alleged large-capacity cesspools, which is a specific term. So, I don't know if the one you're talking about would be large-capacity, but if it's not County-owned or...or...or...or operated, generally we would not have...they would not be included as part of this agreement. If they're owned by another entity--and

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certainly, private entities are required to comply with the law as well--that would be a...a separate issue from...from this...this one in particular. But if there's specific information on that, then I think we should, you know, certainly look into that. But that's not one of the ones covered under this agreement. But again, the intent of the Countywide audit is to look at all the applicable properties and make sure there's not any that...that we've...we've missed. So, I mean...and it can be...the fact that Kamehameha Schools and DLNR are both doing this Statewide can show that because of history, it can be somewhat...sometimes difficult. A lot of these were built a very long time ago, records can be difficult to...to...to look at and find. And so, that's, I think, the intent of the audit, is to get to...you know, to get us to be comfortable saying look, there's no more, or if there are any more, we...we're going to do the same thing we are to the other...to the other cesspools, and bringing them into compliance.

COUNCILMEMBER SUGIMURA: Well, I'm glad that then the audit may bring forward this unusual circumstance because it's not County property, it's Maui Land and Pine, but we've been charging wastewater fees. The County of Maui is...there's some kind of connection there, been hearing about it for years, and I'm glad if this is moving forward, and if...if it could help. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Sugimura. Do we have any other questions? Member Paltin, go ahead.

VICE-CHAIR PALTIN: Thank you. I think this could be for Director Molina. What...what is the determination that makes a cesspool large-capacity versus, I guess, a regular cesspool? And why are large-capacity cesspools banned, but regular cesspools phased out?

CHAIR U'U-HODGINS: Director Molina?

MR. HOPPER: I think I could --

MR. MOLINA: I think I could --

MR. HOPPER: I could help.

MR. MOLINA: Oh, go ahead. I was going to say, I might have to be careful in my responses to that question.

VICE-CHAIR PALTIN: Oh.

MR. HOPPER: Yeah. And...and I think that there's just different timelines for closure of large-capacity versus other cesspools. Large-capacity, I think, were supposed

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to be closed in 2005. Other, you know, residential, small-capacity...other cesspools have, I think, a...a longer compliance time. I think you're probably familiar with that because there's a lot of residential folks that are going to have to deal with that through Department of Health. But under the law, they're treated differently, I'm assuming because they feel the large-capacity ones have more of a potential impact. So, their closure time frame is...is more aggressive. And they were supposed to be closed in, you know, 2005. And so, I think that's the difference. But yeah, page 4 defines large-capacity cesspools to include "multiple dwelling, community, or regional cesspools, or other devices that receive sanitary waste containing human ex...excreta, yeah...which have an open bottom and sometimes perforated sides." And so --

VICE-CHAIR PALTIN: An open bottom?

MR. HOPPER: And it says LCCs --

VICE-CHAIR PALTIN: Oh.

MR. HOPPER: -- do not include single-family residential cesspools or nonresidential cesspools which receive solely sanitary waste, and have the capacity to serve fewer than 20 persons per day. So, having the capacity to serve fewer than 20 persons per day is where you get into some sort of...some, you know, potential arguments. But I think for the purposes of this agreement, we're saying we're going to close all of these cesspools.

VICE-CHAIR PALTIN: And then when you say a County-owned or County-operated, plenty folks that have cesspools don't necessarily pump them...like I've heard folks that never pump their cesspools. So, what is the operation component of a cesspool if you don't pump it, you just...like, how do you operate a cesspool?

MR. HOPPER: I mean, I think the idea behind it is that we have control over the...over the cesspool. So, it's either executive-ordered to us, or we...or we own the property there. We'd have to have some sort of control over the actual cesspool. But I can find the specific definition in here and, you know, we can look at that, but...and give you that information. I mean, that's going to deal with the future audit, not necessarily now. This...this agreement now settles ...*(timer sounds)*. . . the seven alleged cesspools that have been identified specifically.

VICE-CHAIR PALTIN: Thanks. I have just one more question. Are we doing the audit internally, or are we contracting it out?

MR. HOPPER: I think...Mr. Shupack's here from Department of Management. I think the plan is to contract that out. But we have sort of been internally reviewing, from what we can tell, real property tax records and other things to...first, you

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get a list of all of the County-owned properties, and then you can eliminate a fair number of them. There's...there's...what the agreement calls target and nontarget properties and the County, with their...with the auditor and hires will have to identify target and nontarget properties. For something to be a nontarget property, we need to show evidence of something like through real property tax records that it has no buildings on it. You know, vacant land won't have to be inspected. If you can show a...show a sewer connection to the structures, those won't have to be inspected. So, it's not going to inspect every single property necessarily, but yeah, we're going to go through...I think, some of it we can do internally and...but there's going to be an auditor hired and, you know, that there's a...there's a timeline in the agreement. EPA gets to review and approve who it is after we go through the bid process. It has to be someone qualified. You know, we have someone doing similar work now with these current cesspools, but yeah, I think we would have...have a...hire an auditor to...to do that work. And they have to do similar to what they're doing now, which is to visit the properties, see whether there's, you know, a cesspool or not. And if there is --

VICE-CHAIR PALTIN: That covers County-owned properties. But how do you cover County-operated properties, like how Member Sugimura was saying, where they're collecting money for a cesspool they don't own?

MR. HOPPER: I...I mean if...if...if the County doesn't own it or have it by executive order, the agreement wouldn't cover that. And I don't know how we would necessarily have the ability to...to close that. If...if we lease to someone on County-owned property, then we'd have to...to do that, but we'd need to know more about your specific circumstances. But, you know, this covers properties that we own or are responsible for, like through executive order, responsible for operating. Otherwise, I don't know how we would necessarily have the ability to close those.

VICE-CHAIR PALTIN: Okay. Thank you. Thank you for the indulgence.

CHAIR U'U-HODGINS: No worries, Member Paltin. Does anybody else have any questions? I have a couple questions. I haven't had an opportunity to look at these seven large-capacity cesspools and their TMKs. And I know we're going to do an audit, but do we have any plans on what we're going to do if the parcel doesn't allow for an IWS and a leach field that's required, considering these are all large capacities?

MR. HOPPER: I...I'd send that...have that question to Mr. Molina because the Department is already, through a contractor, having...looking at design and permitting for those properties. I don't know if they've run into that issue, but that that's being looked at right now --



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CHAIR U‘U-HODGINS: Okay.

MR. HOPPER: -- as I understand it.

CHAIR U‘U-HODGINS: Director Molina?

MR. MOLINA: Yeah, we would have to pursue alternate IWS designs, other than your typical septic system. But I haven't heard yet that we're going to have that issue.

CHAIR U‘U-HODGINS: Okay. And then out of curiosity, you have that in your budget, or how much are you going to need for the cesspools, considering, like a...like the drive-over residential one can run you upwards of 30,000? So how much are these going to cost?

MR. MOLINA: The two in Hāna are going to cost \$300,000.

CHAIR U‘U-HODGINS: Okay.

MR. MOLINA: We did put in funding in our CIP budget for the other sites --

CHAIR U‘U-HODGINS: Okay.

MR. MOLINA: -- which are currently in design.

CHAIR U‘U-HODGINS: And then, out of curiosity, for the cemetery properties--because I see Molokai Veterans and the Maui Veterans--what is that permitting process like?

MR. MOLINA: You have to get DOH approval of the septic system or the waste system that you're proposing. We will need to obtain plumbing permits, and we will need to get SHPD reviews. In the case of Hāna, it's in the SMA, so we also have to get SMA --

CHAIR U‘U-HODGINS: Okay.

MR. MOLINA: -- approvals for that much.

CHAIR U‘U-HODGINS: Okay. Well, we'll look forward to that audit and hopefully we can budget accordingly. Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: So that brought to mind, will we need more funding? I think --

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CHAIR U‘U-HODGINS: I think he has...he said he has it --

COUNCILMEMBER SUGIMURA: -- for two.

CHAIR U‘U-HODGINS: -- in his CIP budget for now for the Hāna one. Do you need...Director Molina, can you answer Member Sugimura’s question?

MR. MOLINA: No. We have sufficient funding at this time. Thank you.

COUNCILMEMBER SUGIMURA: Good job. Thank you.

CHAIR U‘U-HODGINS: Thank you. Members, any further questions? Seeing none. Okay. I would like to entertain a motion to recommend passage...passage of Bill 79 (2024) on first reading.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER COOK: Second.

CHAIR U‘U-HODGINS: Thank you. Motion made by Member Kama, second by Member Cook. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's seven ayes, zero noes, two excused, Members Rawlins-Fernandez and Sinenci.

CHAIR U‘U-HODGINS: Thank you, Members.

MS. APO TAKAYAMA: Motion carries.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Rawlins-Fernandez and  
Sinenci.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF BILL 79 (2024).**

CHAIR U‘U-HODGINS: Thank you. Thank you, Members. This item will move on to full Council for its consideration. Moving on...

**GREAT-18 BILL 3 (2024), RELATING TO AMENDING SECTION 2.56.060, MAUI  
COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE  
STATEMENTS**

CHAIR U‘U-HODGINS: Thank you. Okay. Moving on--and then we can take a short recess after this if necessary--we have before us Bill 3 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS." At this time, Members, if there's no issue, I would like to defer this. But before...just FYI, before we do that, I would like to ask for testimony on this item, and then we can defer the item. Staff.

MS. MACDONALD: Yes, Chair. There is one person signed up to testify, Johann Peter Lall.

CHAIR U‘U-HODGINS: Okay. Mr. Lall.

MR. LALL: Aloha. Johann Lall, testifying as an individual. So, I'm not sure what the goal or the intent of this bill is, but there's one thing that stood out to me, which is the filing deadlines. And it looks like the 15-day deadline is being removed, and then there's not going to be any deadline. So that seems like an

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issue. But I think that the deadline for submitting your financial disclosure should be before you are being reviewed by the Council, and before you even have a chance to be...be a member of a board or a commission or whatever. And this was an issue with the South Maui Community Plan Advisory Committee. A lot of members did not submit their financial disclosures on time, and then I think like a year went by, and some of them still were not reviewed by the Board of Ethics because they had trouble getting quorum and all kinds of stuff like that. So, those really should be in as early as possible so that their financial potential conflicts of interest can be reviewed while their nominations are being reviewed, rather than being treated as like an afterthought or like a formality after the fact. So, whatever can be done to make these regulations stronger, I think you guys should do. And that's my testimony. Mahalo.

CHAIR U'U-HODGINS: Thank you, Mr. Lall. Member Paltin has a clarifying question for you.

VICE-CHAIR PALTIN: Thank you, Mr. Lall. I just wanted to clarify. Was it...did you...when you read it was the February 15th deadline, not the instead, or what...did you interpret it differently?

MR. LALL: I don't remember seeing anything about February 15th. I just thought it...it used to be...or in the old version. where there was like a 15-day deadline after taking office. And then I didn't see anything replacing that with like a shorter deadline, or anything like that.

VICE-CHAIR PALTIN: Oh, okay. All right. I...I thought I seen it added in under Section 4. But yeah, it...and it wasn't super clear if...if they get appointed when somebody steps out after February 15th, it seemed like they would have until the following February 15th. But I do agree that maybe even before they come to the Council, if they get that out of the way, would be nice. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Thank you, Mr. Lall. Does anybody else have any clarifying questions? Member Kama, go ahead.

COUNCILMEMBER KAMA: I was going to ask Mr. Lall if he got a copy of the bill and what Member Paltin was asking about, whether he read it and what he understood it to mean.

CHAIR U'U-HODGINS: Um-hum.

COUNCILMEMBER KAMA: As I understand it to mean that if...if I could, Mr. Lall, that before we take office, if we're running for office or want to sit on a commission, we have to go to the Board of Ethics prior to, to make sure that everything is

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okay. And then...then you're...you're...I think you have to get vetted before that. That's what I see in this. So, Mr. Lall, do you have a copy of the...the bill?

MR. LALL: Yes, I do.

COUNCILMEMBER KAMA: . . .*(inaudible)*. . . page . . .*(inaudible)*. . .

MR. LALL: But...but I'm not sure if I read it closely enough --

COUNCILMEMBER KAMA: Okay.

MR. LALL: -- to understand everything. This was just one part --

COUNCILMEMBER KAMA: Okay.

MR. LALL: -- that stood out. And this is...this was the part about nonelected. So, this would be appointees. So --

COUNCILMEMBER KAMA: Yeah.

MR. LALL: -- I think...I support everyone having to follow the same standards you guys do as elected.

COUNCILMEMBER KAMA: Agreed. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Thank you, Member. Kama. Thank you, Mr. Lall. Unless anybody else has any clarifying questions for him? Seeing none. Thank you very much for your testimony. Staff, do we have any other testifiers signed up for this item?

MS. MACDONALD: Chair. There's currently no one else who 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, without objection, I will now close oral testimony for this item, GREAT-18. Thank you.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY FOR GREAT-18. . .**

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CHAIR U'U-HODGINS: As a reminder, written testimony will continue to be accepted. Members, unless you have any questions you'd like to ask, we're going to defer this item. Go ahead, Member Paltin.

VICE-CHAIR PALTIN: Thank you. I...I don't...I'm not opposed to his idea. You know, like when we put in our financial disclosure, we're not...for applying to run for office, nobody knows if they're going to get in or not. And then once we get in, I think we're supposed to do it again.

CHAIR U'U-HODGINS: Um-hum.

VICE-CHAIR PALTIN: And so, you know, if...if when they apply, when folks apply for a board or commission or appointment or whatever, if they turn in an additional...an initial financial disclosure and get that process out of the way, like sometimes only in the vetting...us vetting candidates does it come up like, oh, would you be willing to get a financial disclosure by the Board of Ethics? And I...I kind of love the idea of us not having to worry about it, it being already taken care of.

CHAIR U'U-HODGINS: Um-hum.

VICE-CHAIR PALTIN: And my understanding, the reason for deferring it today would be to clean some things up?

CHAIR U'U-HODGINS: Yeah.

VICE-CHAIR PALTIN: And I guess my question is, in the cleaning of it up, could we add that? Is that a legal thing to add, like...

CHAIR U'U-HODGINS: I think that'd be a great question for Corp. Counsel. I do know--and correct me if I'm wrong though--that now with the new language, I think the--Kasie, we've talked about this, right--the financial disclosure has to be submitted the day that they're appointed officially, which is in full Council. That day, their financial disclosure needs to be sent to the --

VICE-CHAIR PALTIN: Board of Ethics.

CHAIR U'U-HODGINS: -- Board of Ethics. But we can ask Corporation Counsel for their opinion.

MS. TARNSTROM: Thank you, Chair. Caleb Rowe from our office is here, and he can answer questions. He's on Webex...or Teams.

CHAIR U'U-HODGINS: Mr. Rowe. Deferred. Yes.

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VICE-CHAIR PALTIN: I guess, you know too, now that we can --

MR. ROWE: Hi. Can everybody --

VICE-CHAIR PALTIN: Yes.

MR. ROWE: Can everybody hear me? Sorry --

CHAIR U'U-HODGINS: We can hear you.

MR. ROWE: Oh. Hi.

CHAIR U'U-HODGINS: Hi.

MR. ROWE: So, a minor point of clarification. So, this language does reflect what was passed by way of the Charter Amendment.

CHAIR U'U-HODGINS: Um-hum.

MR. ROWE: So, for members on boards and commissions, it's prior to the date of the...prior to the date of the resolution approving their appointment. And then it also moves up the...the annual deadline to February 15th. So, it's actually expediting when they're being required to file because it did used to be that they had 15 days in order to file. Now we're saying that we need it, at the very latest, at the time that their resolution is passed. And if we don't have it, if it hasn't been submitted to the Board of Ethics, they're not allowed to participate until the Board of Ethics has had a chance to review. If you would like it, you know, when the resolution is first introduced, I do believe that would require a Charter Amendment because that would then be inconsistent with what the language of the Charter is. So, really, what we were doing was, we were updating the section regarding the filing deadline to basically reflect what was passed by way of the Charter Amendment.

CHAIR U'U-HODGINS: Yeah.

VICE-CHAIR PALTIN: If I could do one follow up?

CHAIR U'U-HODGINS: Yeah.

VICE-CHAIR PALTIN: So, if somebody resigns from the board after February 15th and gets appointed, they don't need to file until the following February? Is that how it reads, like temporary or things like that?

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MR. ROWE: I know prior to being appointed, they would have to do it. The 15th only...is only relevant to the annual filing. So, prior to them being able to do anything, they need to submit it.

VICE-CHAIR PALTIN: Okay. And so, now, with the Independent Nomination Board vetting...pre-vetting candidates or applicants, they would not be allowed to ask for a financial disclosure because it's not a part of the Charter?

MR. ROWE: That is a good question. You know, the...the financial disclosure that's required by the Board of Ethics is what sets forth...is what's set forth in the Charter. I don't know what authorities, and I'd have to look it up, the Independent Nomination Board has on top of that.

VICE-CHAIR PALTIN: Okay. I mean because I thought the purpose of the Independent Nomination Board was kind of to get some stuff out of the way so that when they come to us, we're like okay, this person's been vetted and good to go kind of thing. But if...and...and if I was on the Independent Nomination Board, I wouldn't want any surprises when it came to Council, but I'm...I'm not super inclined to do another Charter Amendment on something similar. As long as they're filing it before they start their job, I guess, is good enough. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Thank you, Member Paltin. Thank you, Corporation Counsel Rowe...Deputy Corporation Counsel Rowe. If...does anybody else have any more questions before we file? Okay. Do you have a question? Oh. I'm sorry, I'm sorry. My fault. Before we defer, that was my bad. Members, if there are no objections, I would now defer this item. Okay. Thank you. To clarify for myself, we're deferring it.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (excused: KRF and SS).

**ACTION: DEFER pending further discussion.**

CHAIR U'U-HODGINS: Okay. Too many words. Okay. Moving on. Unless...does anybody need a recess? We can go to Bill 53? Okay.

**GREAT-22 BILL 53 (2024), RELATING TO A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.010, SALARIES OF OFFICERS, IN ACCORDANCE WITH THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED**

CHAIR U'U-HODGINS: We have before us Bill 53 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44...2.44.010, SALARIES OF OFFICERS,



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IN ACCORDANCE WITH THE CHARTER OF THE COUNTY OF MAUI, 1993 [sic], AS AMENDED.” Bill 53's purpose is to implement amended...amendments to Section 3-9.1 and 5-2 of the Charter of the County of Maui, 1993...1983, as amended, approved by the electorate at the 2022 general election. The bill amends Section 2-4...2.44.010, Maui County Code, to require the annual salaries of the County Auditor, County Clerk, and Deputy...Deputy County Clerk by...by...determined by the Salary Commission. Sorry. Okay. At this time, if I could please request opening comments from Deputy Corporation Counsel Kristin Tarnstrom, if you have any.

MS. TARNSTROM: Thank you, Chair. I don't have any opening comments at...our office didn't propose this bill.

CHAIR U‘U-HODGINS: Okay.

MS. TARNSTROM: Maybe Chair Lee does.

CHAIR U‘U-HODGINS: Chair Lee, do you have any opening comments?

COUNCILMEMBER LEE: I don't. Thank you.

CHAIR U‘U-HODGINS: She doesn't. Okay. Thank you. Before we get into discussion, can we please do a call...last call on testimony for this item.

MS. MACDONALD: Chair. There's currently no one who has 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 other individuals wishing to testify, without objection, I will now close oral testimony for this item, GREAT-22.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY FOR GREAT-22 . . .**

CHAIR U‘U-HODGINS: Thank you. As a reminder, written testimony will continue to be accepted. Members, we have a three-minute questioning period, and if anybody has any questions, please raise your hand. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, it's pretty straightforward, but I was wondering if Corp. Counsel would be signing this bill...because it's not signed.

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MS. TARNSTROM: Thank you, Chair. Thank you, Member. I...yeah, I'm not sure where this originated, and I apologize for that. I assume it may have been the Clerk's Office because nobody's here for it. But I don't see any issue with the bill, and it seems to reflect all the changes that were made in the Charter Amendments.

COUNCILMEMBER SUGIMURA: Okay.

MS. TARNSTROM: And so, in my quick review of it, I don't have any. And nothing was flagged.

COUNCILMEMBER SUGIMURA: Thank you. Signed.

CHAIR U'U-HODGINS: Thank you, Member Sugimura. Does anybody else have any questions? No? Okay. Well, then at this time, I'd like to entertain a motion to recommend the passage of Bill 53 (2024) on the first reading.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: Thank you. Motion made by Councilmember Kama, second by Councilmember Sugimura. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, seven "ayes," zero "noes," two excused, Members Rawlins-Fernandez and Sinenci.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Rawlins-Fernandez and  
Sinenci.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF BILL 53 (2024).**

CHAIR U‘U-HODGINS: Thank you. Thank you, Members. This item will move on to the full Council for its consideration.

**GREAT-12 BILL 64 (2023), RELATING TO AMENDING SECTION 3.16.020,  
MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS  
AND OTHER CIVIL LITIGATION**

CHAIR U‘U-HODGINS: Moving on to the last item on our agenda, we have before us, Bill 63 (20)...64, I'm sorry, (2023), "A BILL FOR AN ORDINANCE AMENDING SECTION 3.16.020, MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION." Bill 64's purpose to amend the language in Subsections A, Workers' Compensation Claims and B, Other Claims or Civil Litigation of Section 3.16.020, Maui County Code, to increase Corporation Counsel's authority to settle from \$7,500 to \$25,000 without Council approval. At this time, if we could request comments from Corporation Counsel Victoria Takayesu.

MS. TAKAYESU: Good morning, GREAT Committee. Good morning, Chair. Yes, what we're trying to do...one of my priorities is to expedite getting money out to folks who have pretty straightforward claims, work comp claims, or small-type litigation cases. We have been working towards that goal, and I think that this will assist us. The monies that we're talking about...well, let me tell you how it came up. I was at a municipal attorneys' conference with attorneys from across the country. And we had a roundtable, and we were discussing counsel authority, and it seemed like the average amount of money nationwide is about

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\$25,000. So, that's kind of the starting point where I wanted to bring it to you guys. I did check with the other Corp. Counsels around our State, and the highest right now is 15,000 with City and County, but they haven't amended theirs for quite a while either. So, they're anxious to see what we do because they will be also making requests to increase their settlement authority. The cases where...where we are requesting this authority is either straightforward work comp, or claims where we have doctor's reports, or we have receipts, we have invoices. There's not really a lot of discretion involved. It's pretty...and you guys have seen it in your own...when we bring these cases before you in executive session. And sometimes we don't even have to go into executive session because they're so straightforward. Our litigation cases typically will involve for under 25,000 these days, you know, a slip and fall, which might include damages for pain and suffering, attorney fees. And expediting the process for us will also assist us in capping attorney fees and again, just making people whole as quickly as we can. So, I'm open for questions. Oh, and I should add that the ordinance hasn't been amended since 2005, so, I think it's time. Thank you.

CHAIR U'U-HODGINS: Thank you, Corporation Counsel. But before we get into discussion, if we could do a call for testimony, please.

MS. MACDONALD: Yes, Chair. There is currently no one who has 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, without objection, I will now close oral testimony for this item, GREAT-12.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY FOR GREAT-12 . . .**

CHAIR U'U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. Again, Members, we will have a three-minute questioning period if we need. So, if you have any questions, please raise your hand. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Ms. Takayesu, for that opener. Question about how this relates to fire, post-fire. Do you expect more worker comp from the fires, including the rebuild? I mean, it's a...it might be a dangerous time to

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be a public, you know, worker with...dealing with all that toxic stuff and everything.

MS. TAKAYESU: Yes, absolutely. And actually, we had--and Council has very graciously approved--a new position for a work comp specialist because just based on the records only reports that we've gotten, at this point there has been a vast increase. You know, we've had our first responders, our Public Works employees, our Water employees. So, we do anticipate an increase in our work comp --

COUNCILMEMBER JOHNSON: Okay.

MS. TAKAYESU: -- claims, yes.

COUNCILMEMBER JOHNSON: Thank you for that clarification.

MS. TAKAYESU: Sure.

COUNCILMEMBER JOHNSON: Thank you, Chair.

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

VICE-CHAIR PALTIN: I have a couple of questions. One of them, if it's not appropriate, you can stop me, but I think the first one might be appropriate. Do we know where the 7,500 number came from initially?

MS. TAKAYESU: I do not know. Again, that was 2005. So, maybe at that time --

VICE-CHAIR PALTIN: That was the average number or something?

MS. TAKAYESU: Yeah.

VICE-CHAIR PALTIN: And are we seeing 25,000 as the average number now?

MS. TAKAYESU: Well, when I go up...well, the average number of claims, work comp claims, litigation, or...because we do have cases that are worth...or that we pay out much more than that.

VICE-CHAIR PALTIN: I guess for like small --

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: -- smaller --

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MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: -- it's about the average?

MS. TAKAYESU: Yeah. Because like if you're looking at a typical...the water main burst, and somebody's basement got flooded, it...it would be over \$7,500, but less than 25,000.

VICE-CHAIR PALTIN: So, then my other question--and if it's not appropriate, I trust Mr. Mitchell will stop me--but how come that we get to weigh in on settlement authority of Corp. Counsel, but not settlement authority of other departments, like Planning or Public Works and stuff?

MS. TAKAYESU: Let me see if I understand that question. You...are you...any sort of litigation would come through us. I'm not sure what settlements you're referring to with...

VICE-CHAIR PALTIN: I guess fines.

MS. TAKAYESU: Oh, okay. Well, fines, if we decide...if Planning wants to give us fines to pursue, then that would come before us, and we would have to...oh, wait. I'm sorry. Okay.

VICE-CHAIR PALTIN: SMA fines.

MS. TAKAYESU: I see what you're talking about. Okay. Yeah, I can't answer that. I think fines are statutory, or through the Code. So, I don't know if there's a lot of discretion with fines.

VICE-CHAIR PALTIN: Oh, I've seen them wipe 'em right out.

MS. TAKAYESU: Yeah.

VICE-CHAIR PALTIN: So, isn't that discretionary?

MS. TAKAYESU: I think it would be if we're asked to review them, whether or not there was a basis for the fines. Some fines --

VICE-CHAIR PALTIN: Because if you look at the SMA report of fines that were lowered, it seems kind of questionable whose get lowered and whose do not. And so, I kind of...that was like my first term. I was like I wanted authority over that, but it never really materialized.

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MS. TAKAYESU: I believe only the Planning Commission has the authority to do that. So, yeah, I think that would require some change in law if Council wanted to have authority over that and take it away from the Planning Commission, or have oversight over the Planning Commission.

VICE-CHAIR PALTIN: Or even just to get a report?

MS. TAKAYESU: Well, that would...yeah, between you guys and the Planning Commission. . . .*(laughing)*. . .

VICE-CHAIR PALTIN: Okay. So, I think that's on the end of my rope. . . .*(laughing)*. . . But it's...it's always been a question of mine. So, thanks for indulging me.

CHAIR U'U-HODGINS: Good question, Member Paltin. Does anybody else have any other questions? No? Okay. Well, let's move on. I would like to entertain a motion to recommend passage...passage of Bill 64 (2023) on first reading.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: Thank you. Motion made by Councilmember Kama, second by Councilmember Sugimura. Any further discussion? Go ahead, Member Johnson.

COUNCILMEMBER JOHNSON: You know, just in regards to what Ms. Takayesu said in regards to the Maui Planning Commission having a say on fines --

CHAIR U'U-HODGINS: Um-hum.

COUNCILMEMBER JOHNSON: -- could we get that in writing? Planning Director? Oh, okay.

CHAIR U'U-HODGINS: Do you want us to follow up with that?

COUNCILMEMBER JOHNSON: I just want to get a clarification on that, that's all. Thank you, Chair.

CHAIR U'U-HODGINS: Okay. We can follow up with her. Thank you, Member Johnson. Okay. Members, all those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

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MS. APO TAKAYAMA: Chair, seven “ayes,” zero “noes,” two excused, Members Rawlins-Fernandez and Sinenci. Motion carries.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Rawlins-Fernandez and Sinenci.**


**MOTION CARRIED.**

**ACTION: FIRST READING OF BILL 64 (2023).**

CHAIR U‘U-HODGINS: Thank you, Members, and thank you, Staff. This item will move on to full Council for its consideration. At this point, we have reached the end of our agenda. Let me find my language. So, this concludes the Government Relations, Ethics, and Transparency Committee meeting for today. Thank you very much, Members. It is now 10:08, and this meeting is adjourned. . . .(gavel). . .

**ADJOURN: 10:08 a.m.**

APPROVED BY:

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

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Transcribed by: Charlotte Hunter



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CERTIFICATION

I, Charlotte Hunter, hereby certify that pages 1 through 32 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 22nd day of July 2024, in Wailuku, Hawai'i

*Charlotte Hunter*

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Charlotte Hunter