

**Recessed to 10/16/2019 at 1:30 p.m.**



# **PUBLIC MEETING NOTICE**

COUNCIL OF THE COUNTY OF MAUI

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

Committee Chair  
Michael J. Molina

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

Voting Members:  
Riki Hokama  
Tasha Kama  
Kelly T. King  
Alice L. Lee  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Tuesday, October 15, 2019**

**9:00 a.m.**

MEETING SITE:

Council Chamber  
Kalana O Maui Building, 8th Floor  
200 South High Street  
Wailuku, Hawaii

## **AGENDA**

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF WATER SUPPLY) (GET-2(23))**

**Description:** The Committee is in receipt of correspondence dated and received on September 30, 2019, from the Mayor, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF J. NALANI KANINAU TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of J. Nalani Kaninau to the Board of Water Supply, for a term expiring on March 31, 2022, to fill a vacancy due to the resignation of Michael Nakashima.

**Status:** The Council must approve or disapprove the nomination by November 29, 2019, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

[Correspondence from Mayor 09-30-2019](#)

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION:  
LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR  
LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON**

**MORE →**

**AGING) (GET-11(20))**

**Description:** The Committee is in receipt of County Communication 19-342, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled “AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING.” The purpose of the proposed resolution is to authorize the employment of the Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals as administered through the Maui County Office on Aging and the Older Americans Act, for a total compensation not to exceed \$77,617 per year (\$155,234 total for two years).

**Status:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 19-342 and other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

[County Communication 19-342](#)

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TOMMY RUSSO V. COUNTY OF MAUI, ET AL.; CIVIL 14-00515 JMS-KSC) (GET-11(19))**

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

1. Correspondence dated June 27, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Tommy Russo v. County of Maui, et al., Civil 14-00515 JMS-KSC, along with a copy of the complaint. The complaint alleges negligence by the County for the unlawful seizure, unlawful arrest, false arrest, battery, assault, and violation of Plaintiff Tommy Russo’s First Amendment rights on November 17, 2014.
2. Correspondence dated August 19, 2019, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “AUTHORIZING SETTLEMENT OF TOMMY RUSSO VS. COUNTY OF MAUI, ET AL. CIVIL NO. 14-00515 JMS-KSC.” The purpose of the revised proposed resolution is to authorize settlement of the case.

**Status:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of the correspondence and other

**MORE →**

related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised 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.

[Correspondence from Corporation Counsel 08-19-2019](#)

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL RELATED TO INTERPRETATION OF THE CHARTER OF THE COUNTY OF MAUI REGARDING LEGISLATIVE AND EXECUTIVE AUTHORITY IN COUNTY OF MAUI V. HAWAII WILDLIFE FUND, ET AL., U.S. SUPREME COURT DOCKET 18-260) (GET-11(28))**

**Description:** The Committee is in receipt of correspondence dated October 9, 2019, from Council Chair Kelly T. King, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL RELATED TO INTERPRETATION OF THE CHARTER OF THE COUNTY OF MAUI REGARDING LEGISLATIVE AND EXECUTIVE AUTHORITY." The purpose of the proposed resolution is to authorize the employment of special counsel to represent the Maui County Council related to interpretation of the Revised Charter of the County of Maui (1983), as amended, regarding legislative and executive authority in County of Maui v. Hawaii Wildlife Fund, et al., United States Supreme Court Docket 18-260.

**Status:** The Committee may discuss the matter. No legislative action will be taken.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

[Correspondence from Council Chair 10-09-2019](#)

**REMOTE TESTIMONY SITES**

Hana	Lanai	Molokai
Council District Office	Council District Office	Council District Office
Hana Community Center	Lanai Community Center	100 Ainoa Street
5091 Uakea Road	8th Street	Kaunakakai, Hawaii
Hana, Hawaii	Lanai City, Hawaii	

**CONTACT INFORMATION**

Office of Council Services	(808) 270-7838 (phone)	(808) 270-7686 (fax)
200 South High Street	(800) 272-0098 (toll-free from Lanai)	
Wailuku, Hawaii 96793	(800) 272-0026 (toll-free from Molokai)	

**COMMITTEE STAFF**

Shelly Espeleta and Pauline Martins

**BOARD PACKETS**

Board packets, as defined in Section 92-7.5 of the Hawaii Revised Statutes, are available for inspection at the Office of Council Services. Board packets are also available electronically as soon as practicable upon request.

**TESTIMONY**

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. For more information on testifying please visit [www.MauiCounty.us/how-to-testify](http://www.MauiCounty.us/how-to-testify) or contact the Office of Council Services. If written testimony is submitted at the meeting site, 16 copies are requested. Email testimony to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us).

**DISABILITY ACCESS**

People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.

**LIVE CABLECAST**

Available on Akaku: Maui Community Media, Channel 53.

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Agenda items are subject to cancellation.