

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

June 2, 2026

Online Only via Teams

CONVENE: 1:46 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Nohelani U‘u-Hodgins, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (Out 1:58 p.m.; In 3:40 p.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Kauanoë Batangan, Chair
Councilmember Tom Cook, Member

STAFF:

Clarissa MacDonald, Legislative Analyst
Keone Hurdle, Legislative Analyst
Peter Hanano, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
David Raatz, Director of Council Services
Ryan Martins, Council Ambassador

Moana Lutey, County Clerk, Office of the County Clerk
(GREAT-10(3), -10(4), -10(5), -10(7), -10(6), -10(8), and -10(14))
Richelle Thomson, Deputy County Clerk, Office of the County Clerk
(GREAT-10(3), -10(4), -10(5), -10(7), -10(6), -10(8), and -10(14))

Residency Area Offices

Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Chaelin Ryu, Council Aide, South Maui Residency Area Office

ADMIN.:

Thomas Kolbe, Deputy Corporation Counsel, Department of the Corporation
Counsel (All)
Heather Andradington, Loss Control Specialist, Department of the Corporation
Counsel (GREAT-10(7))
Lesley Milner, Budget Director, Office of the Mayor (GREAT-10(11), and -10(12))

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OTHERS: Dino Goossens-Larsen, Chair, Cost of Government Commission (GREAT-10(9))
Lauren Akitake, Executive Director & Legal Counsel, Board of Ethics
(GREAT-10(15))
Kristine Tsukiyama, Deputy Board of Ethics Attorney, Board of Ethics
(GREAT-10(15))

Testifiers:

Lauren Akitake, Executive Director & Legal Counsel, Board of Ethics
(GREAT-10(15))
Mike Moran, Kihei Community Association (GREAT-10(10))
Kai Nishiki (GREAT-10(2) and -10(10))

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

VICE-CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon, everyone. Will the Government Relations, Ethics, and Transparency Committee meeting of June 2nd, 2026, please come to order. Thank you. It is 1:46 p.m. I apologize for the delay. We were trying to figure out how to continually organize this very lengthy agenda, but we're here now. I am the Vice-Chair of this Committee, Nohelani U‘u-Hodgins. Member Batangan is excused today, so I'll be acting as Chair for this meeting. 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. We would usually begin with Councilmember Tom Cook, but he is excused today, so we will begin with Councilmember Gabe Johnson. Aloha and good afternoon.

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

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

COUNCILMEMBER LEE: Aloha, Chair, and everyone. I'm home alone in my workspace and looking forward to your meeting. Thank you.

VICE-CHAIR U‘U-HODGINS: Thank you. Member Paltin, aloha and good afternoon.

COUNCILMEMBER PALTIN: Aloha ‘auinalā kākou. Streaming live and direct from the Council Chambers with all of you people. Thank you.

VICE-CHAIR U‘U-HODGINS: Us people. Councilmember Rawlins-Fernandez, aloha and good afternoon.

COUNCILMEMBER RAWLINS-FERNANDEZ: Me people here.

VICE-CHAIR U‘U-HODGINS: . . .*(laughing)*. . .

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā.

VICE-CHAIR U’U-HODGINS: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Nice to be here in person. There are currently no testifiers at the Molokai District Office. Mahalo, Chair.

VICE-CHAIR U’U-HODGINS: Thank you. And Councilmember Shane Sinenci, aloha and good afternoon.

COUNCILMEMBER SINENCI: Aloha and good afternoon. No testifiers in Hāna, Chair. Happy to be here.

VICE-CHAIR U’U-HODGINS: Thank you. And last but not least, Councilmember Yuki Lei Sugimura, aloha and good afternoon.

COUNCILMEMBER SUGIMURA: Good afternoon. Nice to see you all. And what a great agenda.

VICE-CHAIR U’U-HODGINS: Oh, yeah, it's very full. Thank you. From Corporation Counsel, we have Deputy Corporation Counsel Kolbe, and Loss Control Specialist...I don't know how to say this person's name, but I don't see them...but if somebody could say their name for me? Sorry, I don't want to butcher it. So, if you would say it, then I could hear it.

MR. KOLBE: Yeah, it's Heather Andradington.

VICE-CHAIR U’U-HODGINS: Andradington. Heather, I can say. Andradington. Okay, cool. Very nice to see you in Chambers and in the elevator. We also have County Clerk, Deputy County Clerk, Budget Director, Boards and Commissions Liaison, Board of Ethics Executive Director/Legal Counsel until 3:15 today, and the Cost of Government Commission Chair, as well as our wonderful GREAT Committee Staff. Good afternoon, everyone. Please see the last page of the agenda for information on meeting connectivity. I saw a few testifiers signed up. So, testifiers wanting to provide testimony should sign up in the lobby, join the online meeting via the Teams link, or call in to 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 testifiers 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 few digits of...four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. Please ensure your name appears in Microsoft Teams as a name you prefer to be referred as

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or anonymous if you wish to testify anonymously. If you're in person, please notify Staff that you would like to testify anonymously, otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you 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 right now, Staff, if you will please call the first testifiers wishing to testify at the beginning of the meeting. Thank you.

MR. HURDLE: Thank you, Chair. The first testifier is Lauren Akitake, to be followed by Mike Moran.

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

MS. AKITAKE: Good afternoon, Vice-Chair and Members. My name is Lauren Akitake. I am the Executive Director and Legal Counsel to the Maui County Board of Ethics, and I'm here today in support of Resolution 26-95, which proposes a Charter Amendment allowing the reappointment of Board of Ethics members for one successive term without any intervening waiting period. I apologize, I have a previously scheduled 3:30 p.m. appointment today, so I'm testifying at the beginning of the meeting, and I will be available via Teams until 3:15, and thereafter my staff attorney, Kris Tsukiyama, will be available via Teams. The Board submitted a similar proposal in 2024 for the ballot, but it was incorporated into a broader Charter amendment for all Boards and Commissions, which did not...was not approved by the voters. Accordingly, we're requesting that this proposal be placed again on the ballot, this time solely for the Board of Ethics. While this proposal was important in 2024, it's even more critical today given the Board's expanded presence and workload. The Board now has full-time staff, and for the very first time in history, it has the capacity to proactively address complex ethics issues and long-term policy initiatives, rather than solely responding to matters as they arise. The proposed amendment would also improve operational stability by reducing the risk of quorum or vacancy-related disruptions. The Board is a quasi-judicial body, and its members develop substantial institutional knowledge that becomes increasingly important as the Board undertakes multi-year projects that often extend beyond a single member's term. For example, the Board is currently seeking expanded jurisdiction over former employees and also approve draft lobbyist rules and proposed...a proposed nepotism ordinance modeled after the state's law, all of which will be discussed with the GREAT Committee in July. These initiatives require significant Board deliberation, drafting, public input, Council review and approval, and Board implementation, followed by ongoing administration and enforcement. As these policies are tried and tested, the Board's understanding of the intent, development, and structure is essential to ensuring that implementation is consistent and effective. Allowing one successive term would preserve that expertise and continuity at a moment when the Board is no longer solely reactive, but actively shaping the County's ethics framework to uphold public trust. For those reasons, the Board respectfully requests your support for Resolution 26-95. Thank you for the opportunity to testify, and I'd be happy to answer any questions.

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VICE-CHAIR U'U-HODGINS: Thank you very much. Member Paltin, do you have any clarifying questions?

COUNCILMEMBER PALTIN: Thank you for your testimony. What would that total year be like if they served a successive term? Is it 10 years or 12?

MS. AKITAKE: Total would be ten, so five and five.

COUNCILMEMBER PALTIN: And you think that whatever it is that they're doing, they couldn't...I mean, we don't even get five-year terms, and we're elected, and that's appointed to be the same amount of time as we get on five different elections. And so...and I mean, I would say our work is just as policymaking as well.

MS. AKITAKE: So, now we're able to do policymaking. So, I can give you an example. So, Chair Steve Sturdevant, who termed off, he helped get...hire me, and to get us on the ballot to have full-time staff. And now he's termed off with all that institutional knowledge, and would have a willingness to serve again. And he's going to provide written testimony for our nepotism rule and our lobbyist rules because he was so integral in getting us here, and so he understands why we need those two items. So, if he would have been able to continue on, those are policy initiatives that we would have loved to have him on the board for.

COUNCILMEMBER PALTIN: And it's not as effective as him participating from outside the board as a testifier and whatnot?

MS. AKITAKE: Well, we'll take what we can get because we can't have him as a board member right now, but as a board member, he would have been able to do more and consistently be engaged with the board.

COUNCILMEMBER PALTIN: And...and you think that the voters would differentiate between the Board of Ethics and all the rest of the boards and commissions?

MS. AKITAKE: Well, that's the concern, and the hope is that we will have to do some education. One difference with us, then...there are some other quasi-judicial boards, but in particular, we are a quasi-judicial board, and we have only been here now in the office for ten months, and we are starting on some big initiatives. So, hopefully, those factors will help persuade some people to support this.

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR U'U-HODGINS: Go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Ms. Akitake, for your testimony this afternoon. You mentioned 2024, it did not get on the ballot in 2024. Was that from the Commission?

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MS. AKITAKE: It got rolled with the other boards and commissions...so the question was for all boards and commissions. Because there's quorum issues for all boards and commissions, so I understand that decision, but it didn't pass.

COUNCILMEMBER SINENCI: Oh, okay. And this...it went through the Charter Commission?

MS. AKITAKE: It wasn't.

COUNCILMEMBER SINENCI: No, it did not.

VICE-CHAIR U'U-HODGINS: No. I think we put it on the--if I may--I think we put it on the ballot, but it didn't pass the electorate.

COUNCILMEMBER SINENCI: Oh, okay, thank you. Thank you for that clarification. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Of course. Members, any other clarifying questions before we move on? Thank you very much for being with us today.

MS. AKITAKE: Thank you.

VICE-CHAIR U'U-HODGINS: Thank you. Next testifier, please.

MR. HURDLE: Thank you, Chair. The next testifier is Mike Moran on Teams.

MR. MORAN: Aloha, Vice-Chair and Committee Members.

VICE-CHAIR U'U-HODGINS: Aloha.

MR. MORAN: My name is Mike Moran. I'm testifying for the Kihei Community Association in support of Reso 26-87. Apologize, I have a frog in my throat, but I know you want short testimony with that giant agenda, so I will try and keep it brief. We speak in support of this. It would fund so many items and issues that are of importance to the Kihei Community Association. We saw a walkable, bikeable...we've been trying to get a walkable, bikeable since the last century. Working with the wetlands, recycling, all these issues that we...are listed as important to the Kihei Community Association. So, anything that can be funded in support of issues like this, we are in support. So, we hope it will get on the ballot and that the...the voters will approve it. So, thank you for the opportunity to testify this afternoon.

VICE-CHAIR U'U-HODGINS: Thank you, Mr. Moran. Members, any clarifying questions? Seeing none. Thank...oh --

COUNCILMEMBER JOHNSON: Chair.

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VICE-CHAIR U'U-HODGINS: -- I see you, Gabe. Go ahead. I'm sorry, Member Johnson. Please go ahead.

COUNCILMEMBER JOHNSON: Thank you so much. Thank you, Mr. Moran. I know you wanted a short testimony, but you said you're speaking for Kihei Community Association, yes?

MR. MORAN: Correct. Yes, I'm not...it gets confusing sometimes. I was the president for way too long. I am no longer the president, but the current president has asked me to continue to testify for the Association.

COUNCILMEMBER JOHNSON: Okay. The walkable, bikeable that you mentioned really kind of rings true now. And I know you guys suffered from the Kona Lows and the damage there. Do you think this money would help as well...like for this specific example for the Kona Lows?

MR. MORAN: Yeah, I think it would. You know, we...our north-south routes are very limited. And with South Kihei Road being perpetually...almost perpetually closed, it leaves us with the...just the highway.

COUNCILMEMBER JOHNSON: Yeah.

MR. MORAN: And yeah, there are some cyclists who ride the highway, but not cautious ones like myself. And certainly, we don't want our children walking on that highway. So, anything that can be done, it would help with the North-South Collector Road, which would really prime up our walkable, bikeable area.

COUNCILMEMBER JOHNSON: Thanks for that clarification. We want more resilient communities, walkable, bikeable, everything that you just mentioned. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Thank you, Member Johnson. Thank you, Mr. Moran. Next testifier, please.

MR. HURDLE: Thank you, Chair. The next testifier is Kai Nishiki on Teams.

MS. NISHIKI: Aloha, Chair, Committee Members. Let's see, testifying on two items today, Reso 24-100, use of the Open Space Fund to help keep those spaces clean and safe, and so fully support that. Also Reso 26-87 for funding for the Climate Action and Resilience Plan. Thank you, Councilmember Johnson, for proposing this. You know, it's obviously very, very timely. State of Hawai'i adopted the Green Fee, and this is now an opportunity for Maui County to demonstrate similar leadership and provide a funding source for implementation of the plan, which is awesome. Whether we get there by this pathway or by ordinance, you know, as long as we get there, thank you very much for pushing forward on this. I did tune in to the ADEPT Committee discussion, and, you know, lots of good information provided there, and hope to have, like, that additional information about, like, all of the funding sources that are going

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to implement climate action and resilience efforts. I do think that that the idea of the dashboard is really great, Councilmember Johnson, because, like, we need to be able to track and understand what this money is being spent on, you know, on all of the good things, but also so that we can show up and testify on the things that we don't support, like shoreline hardening and, you know, use of these funds, which I believe is inappropriate, can't be destroying our environment to protect a road or, you know, something ridiculous like that. You know, we have to protect our beaches for our future generations, but, hey, that's going to be in tomorrow's committee. So, I did appreciate Member Batangan's discussion about what do we do when values clash and there are priorities. So, I do think it would be good to put in some guardrails on these various funds so that the public is assured that the finances are being spent on the priorities that are identified. So, I appreciate that Councilmember Paltin also stated that, like, hey, you can't just create these funds or elect these people and then just walk away and hope everything goes well, like you've got to stay engaged in the process. So, I've stayed engaged in the process for all my life, and, heck, I'll probably be here bothering you guys for the next 20 years. So, look forward to the discussion. Mahalo nui.

VICE-CHAIR U'U-HODGINS: Thank you, Member...I almost called you Member Nishiki. Thank you, Ms. Nishiki. I do that to everyone. Member Johnson, I see your hand up.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a clarifying question for Ms. Nishiki.

VICE-CHAIR U'U-HODGINS: Oh, Ms. Nishiki, can you please come back? There we go. Thank you.

COUNCILMEMBER JOHNSON: Hi, Ms. Nishiki. Just a clarifying question. I know we only have three minutes, but you did say something really quickly. You said you...either ordinance or Charter amendment, and I didn't know if you had a preference. Or you don't have a preference as long as the guardrail...all the things that you mentioned, but did you have a preference between ordinance and Charter amendment? Oh, you're muted.

VICE-CHAIR U'U-HODGINS: Oh, you're muted.

MS. NISHIKI: Sorry. That's a really tough question because, you know, before I listened to the discussion, I was like, oh, yeah, this is awesome by reso. And then they're talking about the flexibility and stuff. And so, you know, flexibility can sometimes be a good thing or a bad thing. I definitely like the idea of dedicated funding for resilience. It's just tough because a lot of things get roped into resilience. Like seawalls, for instance, get roped into resilience. And so --

COUNCILMEMBER JOHNSON: Yeah.

MS. NISHIKI: -- it can just be a tough conversation, I guess. But, wow, I don't envy you guys' decisions that you have to make. But like I said, whatever gets us to the finish

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line, darn, you know, like I just got to support the process and stay engaged. Thank you, though.

COUNCILMEMBER JOHNSON: Thanks for that clarification. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Yeah, of course. Thank you. Any other questions for Ms. Nishiki? Seeing none. Thank you very much for your testimony. Next testifier, please?

MR. HURDLE: Chair, that's currently all the testifiers signed up to testify at the beginning of the meeting. May Staff do a last call?

VICE-CHAIR U'U-HODGINS: Please.

MR. HURDLE: This is the last call for oral testimony at the beginning of the meeting. If you would like to testify, please come up to the podium and begin your testimony or raise your hand on Teams and Staff will unmute you. The count is three, two, one. Seeing none. Chair, no one has indicated they wish to testify.

VICE-CHAIR U'U-HODGINS: Thank you.

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

VICE-CHAIR U'U-HODGINS: Okay. First up on the long agenda is Resolution 25-215, the first Charter amendment listed on today's agenda. In total, the Committee received 14 Charter amendment proposals. Today I intend to hear the first seven resolutions listed on the Committee agenda, as they all relate to the Office of the County Clerk. Once we've exhausted today's discussion, I will recess this meeting...I will recess this GREAT meeting into the next scheduled meeting at 1:30 on June 16, 2026. At that time, Committee Chair Batangan will come back to take up the remaining Charter amendments. Before we begin our discussion, I want to mention although we have received 14 Charter amendments, one has already been adopted [*sic*], it's one of Member Paltin's one. Resolution 25-135, Relating to the Planning Commission's Review of the General Plan and Land Use Ordinance was passed on second and final reading at the July 20...July 8, 2025 Council meeting. So, with that resolution, we do have a total of 15 Charter amendments to consider. So, I do want us to be extremely mindful of what we do in today's meeting and the next as we do not want to overwhelm the voters at the ballot box--sorry, that was a lot of alliteration--this November. To keep us organized, a document was distributed this morning...or I'm sorry, this afternoon that provides a summary to each of the proposals, and it follows the order on the Committee agenda and includes an amendment's purpose, backgrounds [*sic*], and intended effect.

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**ITEM 10(3): RESOLUTION 25-215, PROPOSED CHARTER AMENDMENT
ON THE NOTICE AND CONDUCT OF PUBLIC HEARINGS**

VICE-CHAIR U'U-HODGINS: Now with that, let's begin discussion with Resolution 25-125, Proposed Charter Amendment with a [sic] Notice and Conduct of Public Hearings. The purpose of Resolution 25-215 is to place on the next General Election ballot the question of whether the revised Charter of the County of Maui (1983), as amended, should be amended effective January 1, 2027, to clarify that the Council, board, and commission meetings must be publicly noticed and held in compliance with the State law by eliminating the outdated requirement to publish notice in a newspaper of general circulation in the County and replacing them [sic] with the term "public hearing" with "public meeting." Chair Lee, as this is yours, if you would like to, you're welcome to say anything.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

VICE-CHAIR U'U-HODGINS: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Before we get started on the first one, I asked Director Raatz to join us.

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I'd like to release him from the obligations of being here of my request --

VICE-CHAIR U'U-HODGINS: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to discuss the idea of considering 14 with one already with approvals to be on the ballot. So, for the Members, the idea was not voting on the seven today and the seven that would come up in the recess meeting date, and that we would like rank all of the proposals in order of preference to be on the ballot. Because as Vice-Chair has said, we don't want to overwhelm the voters with 15 proposals...or at least I don't, and she doesn't.

VICE-CHAIR U'U-HODGINS: I don't. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I've heard comments from my colleagues that they'd prefer not to as well. And so, after speaking with Director Raatz, he recommended we vote on them and we can still do a ranking at the end.

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then we can, you know, have discussion on where the items are at in the ranking of all nine of us.

VICE-CHAIR U'U-HODGINS: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And then, you know, have a discussion on like how many would we support being on the ballot after we do those votes. And then we could vote to reconsider and not approve to be on the ballot the ones that we may have voted on to be on the ballot. And so, may I request Director Raatz comment on my understanding of this proposal of protocol?

VICE-CHAIR U'U-HODGINS: Sure. Sure. Yep. So, we're going to discuss and vote today on the seven--or hopefully the seven--and then on the 16th discuss and vote on the other seven, and then discuss with...while everyone's here, which we're short a couple people. Okay. Director Raatz.

MR. RAATZ: Thank you, Chair. I think Councilmember Rawlins-Fernandez explained the situation well as we understand it under the Sunshine Law and your Council Rules. No action is final at any meeting until the body adjourns. So, again, you can go through each resolution one by one, and if you end up as a body concluding that you have too many proposals moving forward, then the option for reconsidering any of those resolutions would be available to you. So, you could then go back and pare down the list of proposals one by one as well at the end of the deliberations. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Sounds good. We will definitely recess this meeting. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director Raatz.

VICE-CHAIR U'U-HODGINS: Thank you very much. Okay. Chair Lee, did you want to have any opening comments? If not, I can pass the mic to clerks and then Corporation Counsel.

COUNCILMEMBER LEE: Okay. Thank you, Chair. I'm proposing this on behalf of the Clerk's Office. And so, they can give you a more...a general explanation and justification for this proposal.

VICE-CHAIR U'U-HODGINS: Thank you. Clerks? Thank you.

MS. THOMSON: Thank you, Chair. So, we'll try to keep our comments pretty short. This proposal is to eliminate the requirement in the Charter that we publish notices of public hearings in the newspaper. It eliminates basically the publication in the newspaper of any type of notice, including the digest, which is also referenced in your proposed Resolution 26-94. So, that might eliminate one if you decide to approve ours. It also replaces the term "public hearing" with "public meeting" so that that would clarify that these meetings are Sunshine Law meetings. And of course, we conduct those meetings in compliance with State law. So, those are the two functions of this proposal...eliminate publication and clarify that public hearings are public meetings under the Sunshine Law.

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VICE-CHAIR U'U-HODGINS: Thank you, Clerks. Deputy Corporation Counsel Kolbe, did you have anything to add as well, please?

MR. KOLBE: Thank you, Chair. I do have a couple of concerns about the way that this resolution is worded, but also I guess I'll address the two issues as they were brought up. One has to do with notice, and Ms. Thomson clarified that it's any notice. And my view, and our office's view, is that there's different notice requirements depending on whether or not we are noticing public meetings, which has its own notice requirements in HRS 92-7. But then there are publication obligations that are under different HRS provisions 1-28.5 and 46-2. 1-28.5 has the...actually. all three of these statutes use the word "notwithstanding," but that means in spite of any other provisions to the contrary. 1-28.5, as I understand it, because the Legislature did not pass amendments to change it or revoke it, remains the law for any publication when a government agency is, "required to give public notice or to public notice, the notice shall be given only as follows." And then it discusses that for statewide publication, daily and weekly publication or daily...well, publication in a daily or weekly publication. And for countywide publication, by publication in a daily or weekly publication in the affected county. So, while it appears to me that the notice requirements for, say, a Council meeting, which is intended to satisfy the requirements of the Sunshine Law, could be met by doing what's proposed in this Charter amendment, that section really applies on a limited capacity just to meeting notices that are under that part. So, the applicable language is 92-7, Section A, the very last sentence, which says, "The means specified by this section shall be the only means required for giving notice under this part, notwithstanding any law to the contrary." So, if it's to satisfy Sunshine Law, then absolutely, these provisions and the methods...the method...basically doing it online as opposed to in a paper would be appropriate. But the word part, when it's used in a statute, is a term of art. Part refers to sections of a chapter. So, the part of 92 in question is the section titled Meetings. So, you know, respectfully, I would say that 92-7 is in conflict with 1-2...is not in conflict in 1-28, as long as it's about public meeting notice as opposed to notice of publication. Likewise, HRS 46-2 discusses the obligations of the government for publication or advising ordinances, amendments, resolutions, and bills. And there it says again, notwithstanding any other provisions of law to the contrary. Whenever any law requires the publication or advertisement of ordinances, amendments, resolutions, or bills, the publication or advertisement shall be in a newspaper of general circulation within the County concerned and need not be in a daily newspaper. So, my concerns are that any time that we have an obligation to publish something, we would need to be in compliance with both HRS 1-28.5 and HRS 46-2. And just as kind of like a final comment on that, I think that the intent is for the public to have access to the same information in writing as the members that are considering an ordinance or what have you. So, that's my concern regarding the notice portion. In terms of replacing the phrase "hearing" with "meeting," I can't point you to anything exactly on point that says one way or the other that the law draws a distinction between a meeting and a hearing. But, you know, looking at other jurisdictions and seeing generally what's going on, hearings are required when the law requires input from members of the public as part of a process. And it's to satisfy not an open meeting requirement, but to satisfy a due process requirement that everybody

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has a say on certain types of things. And it can be specifically in the administrative rules or otherwise. So, I think we should be careful in terms of when we're going to go ahead and change the phrase "public hearing" to "public meeting." It may be appropriate certain times, but in any event, it would still need to comply...well, the notices would still need to comply with the requirements under those various Charter or Statute provisions. That's all I have to say. Thank you.

VICE-CHAIR U'U-HODGINS: Okay. Thank you very much.

MR. KOLBE: That was a mouthful.

VICE-CHAIR U'U-HODGINS: That was a lot of numbers and words. I think I got some of it. But for right now, we're going to go into discussion. Member Paltin.

COUNCILMEMBER PALTIN: Can we go back to the Clerk?

VICE-CHAIR U'U-HODGINS: Sure.

MR. HURDLE: Sorry, Chair.

VICE-CHAIR U'U-HODGINS: Yes?

MR. HURDLE: Testimony.

VICE-CHAIR U'U-HODGINS: Before we get into discussion--sorry, my bad--if we could please have...hear from any testifiers...a testifier to testify on this item?

COUNCILMEMBER PALTIN: Is it possible to get the Clerk's response to that before testimony? Or no, we got to wait?

VICE-CHAIR U'U-HODGINS: I think we need to wait.

COUNCILMEMBER PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: We'll just do...they're going to think about their response, and then we'll double check on testimony, and then we can go to them before we go to discussion.

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR U'U-HODGINS: Thank you.

MR. HURDLE: Chair, we currently have no one signed up to testify on this item, so Staff will do a last call. If anyone would like to testify, please come up to the podium and begin your testimony or raise your hand on Microsoft Teams. The count is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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VICE-CHAIR U‘U-HODGINS: Thank you. Without objection, I will now close oral testimony on this item and written testimony will consider...will still be accepted.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(3) . . .

VICE-CHAIR U‘U-HODGINS: Thank you very much. If we could please hear your response, Deputy Clerk.

MS. THOMSON: Sure. Thank you. So, just to address HRS 1-28.5, our understanding is that the OIP, Office of Information Practices, has given an opinion that Sunshine Law meetings do not require notice to be published in a newspaper. And so, our intent is to mirror that so that the...currently they're referred to as public hearings in the Charter, but that those types of Council meetings do not require publication in the paper, that they require simply Sunshine Law notice that we're all familiar with. A distinction that I believe is important in HRS 46.2 [sic], and I'm sure that Deputy Kolbe has an opinion on this, is there's a phrase in there that says whenever any law requires the publication or advertise...or advertisement of notices, it needs to be in a paper basically. So, if the law changes to not require the publication, then I think that we probably would be okay, but I'd defer to the lawyers on that. But the goal, I think, is to acknowledge that publication in a newspaper is outdated. It's not environmentally friendly. You know, we're printing papers and we spend literally...I mean economically, thousands and thousands of dollars on publication. We don't know how long *The Maui News* is going to be around, and we can't actually get the *Star Advertiser* to return our calls. And it also definitely inhibits our ability to schedule meetings. So, there are a lot of kind of practical reasons that we wanted to propose eliminating the publication in newspaper requirement. And of course, we're open to any kind of language fixes that would address any of Deputy Kolbe's concerns.

VICE-CHAIR U‘U-HODGINS: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: I have a question, It's probably for a lawyer. If state law requires us to post stuff a certain way in a publication or a newspaper, if we just take it out of the Charter, then wouldn't it...the default be the state law on how it's done?

VICE-CHAIR U‘U-HODGINS: Attorneys?

MR. KOLBE: So, your question is, if we remove the requirement that we have to publish a certain way, then it would default to the state law? I think we always have to adhere to state law, and that's the only way I can say it. One doesn't replace the other.

COUNCILMEMBER PALTIN: So, if we just “X” it out from the Charter, we have to adhere to the state law anyway, so...

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MR. KOLBE: Yes. I think we're still required to follow the requirements for notice under state law.

VICE-CHAIR U'U-HODGINS: I hear somebody's voice.

COUNCILMEMBER PALTIN: So, would it be like...I mean obviously, that's not what this does, but could we amend it to say we're just going to follow state law?

MR. KOLBE: Well, some of the provisions expressly state that it requires public --

VICE-CHAIR U'U-HODGINS: Notification.

MR. KOLBE: -- notification here. I'm just looking for...

COUNCILMEMBER PALTIN: In accordance with state law.

MR. KOLBE: Yeah. So, an example, Member Paltin, would be perhaps Section 13-2, which is one of the sections that was going to be amended. And the last portion of this basically removed notice to the public by publication in a newspaper of general circulation and replaced it by saying notice...must provide notice in compliance with state law, which arguably we would be right back where we are, which was, does 1-28.5 apply? Does 46-2 apply? If it does, then it would be in compliance with state law. My only concern about that is that...and it's...that's not incorrect. I think that provision is valid. If we are going to go out of our way to try and explain to the public how they're going to get notice, then if we just say we will deliberate and make a determination based upon our obligations under the Charter. That doesn't really give the public the information that you might want. So, it's a correct statement that we have to be in compliance with state law, but you...there is the risk the public doesn't understand.

VICE-CHAIR U'U-HODGINS: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I know Corporation Counsel in their opening remarks mentioned that maybe there's a chance we could do this through administrative rules, and I'd like to hear you guys explain that. Like, do we have to write the code that says this will be done through each...the administrative rules, or can you clarify your statement?

VICE-CHAIR U'U-HODGINS: Mr. Kolbe?

MR. KOLBE: I don't recall exactly what I said about that. Could you refresh my recollection? I mean, I --

COUNCILMEMBER JOHNSON: Okay.

MR. KOLBE: -- I think I remember what I just said, but I don't think I said we could address it through administrative rules...but maybe I did.

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COUNCILMEMBER JOHNSON: Okay. Well, that's just what I was thinking that we could do. So, can we do that? And I got that idea from you saying that, but that's okay if you don't remember saying that. I kind of scratched my brain enough to think, wow, that might be a way out of this where administratively, they do this and they say this in their administrative law...rules that they...you know, they need to advertise and da-da-da-da-da. But if you don't agree with that way going forward, then that's fine, but I just...can we do it?

MR. KOLBE: Chair, is it okay if I respond?

VICE-CHAIR U'U-HODGINS: Yes, please. Sorry. Thank you. I was just doing a head count to make sure we had quorum right now.

MR. KOLBE: Okay. Yeah. Member Johnson, basically administrative rules are supposed to implement things that are...that are made law by statute or by ordinance. And so, administrative rules kind of flesh out the details for something and wouldn't be superseding any obligations we have under County law ordinances or state statutes.

COUNCILMEMBER JOHNSON: So, in 24.5 [sic] and I think you said 46.2 [sic], the State HRS says we have to do this, and then...okay, I see what you're saying. There's...all right. Okay, I got it now. That was my...just my only question for now, so thank you so much. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Thank you. Any other questions? Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: So, if you lawyers heard what you lawyers said, and you lawyers heard what you lawyers said, is there a recommendation on how to move forward? Like should we take this resolution and propose it to the HSAC legislative practice...package, or if you guys listen to each other, what...what...is there a recommendation based on you guys listening to each other?

VICE-CHAIR U'U-HODGINS: Who wants to start? Clerks?

MS. THOMSON: Actually, Member Paltin, I think that your earlier statement was a really good fix in terms of referencing any publication requirements and notice requirements in compliance with state law. I think all of us are pretty clear on what the state law refers to, so I'd be very comfortable with that, And most of our amendments do reference in compliance with state law when we're referring to meetings, so...

COUNCILMEMBER PALTIN: So, just to clarify, your recommendation is to listen to my recommendation? ...*(laughing)*...

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

MS. THOMSON: ...*(laughing)*... Yes, it is.

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COUNCILMEMBER PALTIN: Okay. Timestamp that, somebody.

VICE-CHAIR U'U-HODGINS: Do we want to defer this item until the 16th, and do you guys want to do an ASF, and you can do proposed language changes?

MS. THOMSON: Yes. And we're happy to work with Corp. Counsel and OCS Attorneys on any fixes that they recommend.

VICE-CHAIR U'U-HODGINS: Okay. Yes, go ahead.

COUNCILMEMBER SINENCI: Thank you. For Ms. Thomkins *[sic]*.

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

VICE-CHAIR U'U-HODGINS: Thomson.

COUNCILMEMBER SINENCI: You mentioned about 26-95 *[sic]*, how this would affect 26-95 *[sic]*. Can you elaborate on that?

MS. THOMSON: Yes. Is it...oh, 26-94, I believe, the publication of the digest in a newspaper. So, as I understand, that proposal is to just allow us to...rather than publish the digest after first reading of the bills, that we would just publicly post them, which would be electronic...electronically posted on the Council's website?

COUNCILMEMBER SINENCI: And not through the newspaper?

MS. THOMSON: Right.

COUNCILMEMBER SINENCI: Okay, got it. Thank you.

VICE-CHAIR U'U-HODGINS: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Sinenci, for that last. Okay. So, I think overall, there's like way too much detail in our Charter that makes things very inflexible as the years pass and technology changes and advances. And so, I can understand why some things were repeated, because they didn't have the Internet way back when. So, I get it. But here we are now, and it is a challenge to amend the Charter--as it should be--but it's still a challenge. So, my understanding with where we landed is, instead of must be publicly posted, it will just be in compliance with state law. Okay, great. And then my second question is regarding the difference between a meeting and a hearing. So, in practice, when we have a hearing, we do not deliberate. We just have testimony, and that's how I've distinguished hearings and meetings. And if now there will be no hearings and all meetings, does that mean there will be no gathering to just receive testimony and that there will be deliberations? Is there a requirement for deliberation? I don't know why that is the practice exactly, but that's just been the practice, so are we going to continue that practice, or are we not with the change of hearings to meetings?

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MS. THOMSON: So, Director Raatz may have more historical knowledge on this than I do, but I believe that some of the references to public hearings predate the Sunshine Law. So, prior to public meetings, you know, being required to have a public participation element, public hearings was, I believe, the Maui Charter's like instruction to involve the public in your decision making. So, I think that's at least part of the answer. I don't know if there's other explanations for the differences in the terms.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then I don't know if anyone else has the other part of that answer to my question. No? Somebody? Okay.

MR. HANANO: What was the other part? I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if we change the word...okay, so we've distinguished hearings and meetings. Hearings, we just receive testimony; meetings, we deliberate and take testimony. So, if we're no longer going to have hearings, is there still going to be two types of meetings where we only take testimony?

MR. HANANO: No. I think if the wording is changed to just public meetings, then you basically would have to follow Sunshine Law, which means public testimony, discussion, deliberation. But if it's just a public hearing, then you don't have the discussion and deliberation. But we're changing it, right, from public hearing to public meeting, which will require, under the Sunshine Law, public testimony. So, it's almost like, you know...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, not the testimony part, the deliberation part.

MR. HANANO: Not necessarily, because like a 7(B), you know, you have discussion, but you don't have any voting or anything.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, yeah, discussion...the deliberation part.

MR. HANANO: So you're asking if you can just have public testimony instead of...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, yeah. So, hearings, we just receive testimony, and once testimony pau, we adjourn, right? And then in meetings, we take testimony, and then we close testimony, and then we deliberate, and then we adjourn. So, I don't know if there's a requirement for deliberation, I don't remember that necessarily being a requirement in Sunshine Law, but that's just been the practice of hearings. We don't deliberate. I don't know if we could, we just never really did.

MR. HANANO: Right. Yeah, I don't think there's a requirement. It'll be similar to a 7(B), but it'll be kind of weird, I guess, if you have public testimony and not any discussion. But I guess that would be like similar to a public hearing.

VICE-CHAIR U'U-HODGINS: Do you want to...

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COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . .

VICE-CHAIR U'U-HODGINS: I know, considering we're going to...

MR. HANANO: Right? So, I mean, you're changing the name.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we're going to defer, so perhaps we can wait for it.

VICE-CHAIR U'U-HODGINS: We can find out that information and discuss that on the 16th, for sure. And then we can get the new language so that we can be in compliance with state law, and then they can answer your question meeting v. hearing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And if...I mean if it's a change in practice, then we will never no longer just take testimony and we'll always deliberate. Like...I mean, that's what we're going to be doing. I just would like to know if that's what we're going to be doing.

VICE-CHAIR U'U-HODGINS: Right. And as we sometimes have hearings, it's during a meeting, so then we open the hearing and then the meeting, and then we close the hearing and continue with the meeting. So, it's like we usually do things concurrently.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, actually, only usually from 2019 or before that.

VICE-CHAIR U'U-HODGINS: I think we do.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because Mike White did that too.

VICE-CHAIR U'U-HODGINS: I wonder if...how it affects like the...the Planning Commission too, because they have hearings.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. They have hearings without deliberation?

VICE-CHAIR U'U-HODGINS: No, but they also have hearings, I think. Yeah.

MS. THOMSON: Those would be adjudicatory hearings.

VICE-CHAIR U'U-HODGINS: Okay.

MS. THOMSON: So, not Sunshine Law meetings, but adjudicatory where they're doing a contested case. So, that's mostly in the board and commission realm.

VICE-CHAIR U'U-HODGINS: Got it.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah. So, like maybe when we take this up again, when we recess...reconvene the recess meeting, we can have a better understanding of the implications.

VICE-CHAIR U‘U-HODGINS: Sounds good. I will...

MR. HANANO: I just thought of something. So actually, we're doing that already. Because when we have Budget and when you guys go to the area...the resident areas, there's just testimony. There's no --

VICE-CHAIR U‘U-HODGINS: Deliberation.

MR. HANANO: -- discussion or deliberation. So...and that's a public meeting, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Nice example.

VICE-CHAIR U‘U-HODGINS: Yes. Thank you. Without a...Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Before you defer this, just a real quick question for the Clerks. Did this go through Corp. Counsel before it came to us? Did you guys send it to Corp, Counsel? Did you guys discuss this?

MS. THOMSON: No, and we apologize for that. We intended to send the whole package down and I did not do it.

COUNCILMEMBER JOHNSON: Okay.

VICE-CHAIR U‘U-HODGINS: We're having live discussions. Thank you. Without objection, I will now defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KB, TC, YLS)

ACTION: DEFER pending further discussion.

VICE-CHAIR U‘U-HODGINS: Moving on.

**ITEM 10(4): RESOLUTION 25-216, PROPOSED CHARTER AMENDMENT
ON STANDARDIZING DEADLINES RELATED TO VOTER
INITIATIVE, RECALL, AND CHARTER AMENDMENTS**

VICE-CHAIR U‘U-HODGINS: Moving on. We have before us Resolution 25-126, entitled “PROPOSING AMENDMENTS TO THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATED TO STANDARDIZING DEADLINES REGARDING VOTER INITIATIVE, RECALL AND CHARTER AMENDMENT.” Resolution 25-126 purpose is to

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place on the General Election ballot the question whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective January 1, 2027, to standardize the deadlines related to the Office of the County Clerk's processing of petitions on voter initiative, recall of elected officers or board and commission members, and Charter amendments. And at this time, Chair Lee, if you have any discussion, please go ahead, and then we'll follow up with the County Clerk and Deputy Corporation Counsel Kolbe.

COUNCILMEMBER LEE: Again, Chair, I'm offering this proposal on behalf of County Clerk's Office.

VICE-CHAIR U'U-HODGINS: Thank you. Clerks?

MS. THOMSON: Thank you. So, this proposal in Reso 25-216 is to standardize the deadlines for the Clerk's Office's processing of Voter Initiative, and that's under Article 11; Recall, under Article 12; and Article 14, Charter Amendments. Those all require the Clerk's Office to review petitions in three different time frames. And what a review of that involves is looking at all of those signatures and the voter records individually to determine whether they're active voters who are, you know, properly registered, that the addresses match. So, it's a very time-consuming and laborious process. In 2016, Article 11 was updated. So, that was, you know, ten years ago. The population has dramatically changed. Article 12 had the same requirement since at least 1977. Article 14, same thing. It was amended last in 1892. So, our request is to match Article 11's criteria, which is a 45-day initial time period to review the petition's submission. And then it's currently 20 days to review the supplementary signatures and petition, and we would like to increase that to 30...so 45 initial, 30 supplementary is what we're proposing for all three types of petitions.

VICE-CHAIR U'U-HODGINS: Thank you. Corporation Counsel, do you have any comments?

MR. KOLBE: Just briefly. I don't see any problems with making those changes. So, from a legal point of view, there's no problem. I would perhaps...if you want to move forward with this, I might have some suggested language that might clarify what the language on the election ballot would be.

VICE-CHAIR U'U-HODGINS: Okay. Thank you. And before we move on to discussion, let's receive testimony for this item, GREAT-10(4). Staff, any testifiers?

MR. HURDLE: Chair, we currently don't have anyone signed up for oral testimony on this item. Staff will do a last call. If anyone would like to testify, please come up to the podium and begin your testimony or raise your hand on Microsoft Teams. The count is three, two, one. Seeing none. Chair, no one has indicated they wish to testify.

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

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COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(4) . . .

VICE-CHAIR U'U-HODGINS: Thank you very much. Written testimony will continue to be accepted, and we're going to do another three-minute questioning period with a one-minute follow-up round. So, Members, any questions? Go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: I was just...I did receive something in the mail about my signature. Is that part of this or...

MS. THOMSON: No, but thank you so much for offering us the opportunity to give our voter signature cards a plug.

COUNCILMEMBER SINENCI: Yeah.

MS. THOMSON: So, they are yellow cards that all registered voters receive in the mail to their address that we currently have on file. And so, what we're asking them to do is provide their current signature in the box, fold it over, seal it with tape, and mail it back as postage paid. And what that allows us to do is make sure that the signatures on file exactly match so that when they get their ballots and they sign the back of their ballots that there's no issue with a signature not matching. And that can change over time due to disability, or just age, or just my signature changed from how I wrote it when I was 18, a very long time ago. So, thank you. That's what you're receiving in the mail.

COUNCILMEMBER SINENCI: Yeah, and it's going to all registered voters.

MS. THOMSON: Yes, all registered voters. And if you have not received a yellow card in the mail, please call our office, and we will help you get your registration up to date.

COUNCILMEMBER SINENCI: Okay. Thank you.

MS. THOMSON: 270-7749.

VICE-CHAIR U'U-HODGINS: Good plug. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: What was that number again?

MS. THOMSON: . . .*(laughing)*. . . That's 808-270-7749 or mauicountyvotes.gov.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yay, beautiful. And that signature is required for their ballot to...their votes to count?

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MS. THOMSON: Correct, yes. So, on the back of your ballot envelope that you return your ballot in, you'll sign the back of that envelope. And that's how it gets processed seamlessly and avoids any slowdown in counting your ballot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Thomson. Okay. So, the question for this one...I'm supportive of an increased time. I know that it can be a lot of work. My question about the signatures. Are they...can they be collected electronically and would that be helpful in verifying the signatures?

MS. THOMSON: So, currently, the requirements are wet ink signatures, and that allows us to compare them with the voter records, which are also typically wet ink. So, we don't have the ability to be able to collect them electronically at this point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo for that clarification. The wet ink requirement is not in the Charter?

MS. THOMSON: No. It's simply that we're...well, yeah, sometimes electronic signatures can get very choppy looking and really not match your actual signature. But I don't believe, you know, that if the...if our capability is changed and we would be able to do electronic signatures, that wouldn't require another Charter amendment. No.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right, mahalo for that. Mahalo, Chair.

VICE-CHAIR U'U-HODGINS: Um-hum. Anybody else have questions? Member Paltin.

COUNCILMEMBER PALTIN: So, I just wanted to clarify. Whatever the time frame was, the first time frame is going to be 45 days, and whatever the next portion was, the next time frame is going to be 30 days, and that's the standardization. So, it's going to be like about roughly two-and-a-half months to verify any voter initiative?

MS. THOMSON: Yes, it'd be voter initiative. So, those are voters proposing changes to the Maui County Code or recall...so recalling an elected or appointed official or the Charter amendment.

COUNCILMEMBER PALTIN: So, it's going from basically a month-and-a-half to two-and-a-half months.

MS. THOMSON: Yeah. So, initiatives right now are 45 initial, 20 supplementary. So, it'd just be adding another ten days for the supplementary filing. And the supplementary filing is if they don't have sufficient signatures on the first go-around, they get another shot. Recall, right now it's 30 days initial, 10 supplementary. And those are the days that the County Clerk's Office has to process all those signatures.

COUNCILMEMBER PALTIN: Is it specified whether it's calendar days or working days?

MS. THOMSON: Those are calendar days.

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COUNCILMEMBER PALTIN: Both? All of it is currently calendar days.

MS. THOMSON: Yeah.

COUNCILMEMBER PALTIN: Oh, okay. And the only offset to doing this is maybe wait like a week or two or so longer, or a month longer...two weeks to a month longer?

MS. THOMSON: Right. So, there's really not a great deal of change on the Article 11, Initiative, the proposed ordinances by voters. So, it's only adding ten more days on our processing of the supplementary petition.

COUNCILMEMBER PALTIN: And then what you had said was because the voter registration has expanded so much, you guys' pay hasn't expanded in the same way. And so, you have to do so much work in a set time frame.

MS. THOMSON: Right.

COUNCILMEMBER PALTIN: So, in theory, as the population continues to grow, you may need more time in the future. Is it...there's no formula that you could come up with to say that we only have to do this Charter amendment one time? Like percentage of once the voter registration reaches this much, it'll be so many days or...no formula?

MS. THOMSON: Not necessarily. I gave that some thought too, when we were proposing this. California, they do a sampling of signatures. So, I believe it's--maybe I'm taking this out of my head--5 percent of the petition signatures are sampled, and they conclude that based on that sampling that there's, you know, sufficient valid signatures rather than going through . . .*(timer sounds)*. . . every single one of them. I don't think we're there yet. You know, in terms of our population, our voting population is not that great. I can tell you some numbers. So, for initiatives as proposed ordinances, it's based on 20 percent of the total number of voters who cast ballots in the last mayoral election. . . *(timer sounds)*. . . So, in 2022, that was a little over 52,000 voters casting ballots in that election. So, that was 10,509 signatures that had to be...that...yeah, that had to qualify the petition to go forward. And it's...so, it's...

COUNCILMEMBER PALTIN: So, 45 days to check...hand-check 10,000. Is there only one person in your office that can do this, or is it like a group effort?

MS. THOMSON: No...yeah. When we get these in, it's all hands on deck because it's such a compressed time frame.

COUNCILMEMBER PALTIN: Do sometimes you work on weekends, and overtime, and like that?

MS. THOMSON: Oh, yeah. Oh, yes. Yeah.

COUNCILMEMBER PALTIN: Okay. Supportive.

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VICE-CHAIR U'U-HODGINS: Any other questions? We all know how long and how difficult it is sometimes to get 15 signatures.

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

VICE-CHAIR U'U-HODGINS: Any other questions? Yeah, go ahead.

COUNCILMEMBER SINENCI: Chair, what was the language...potential language for the ballot question?

COUNCILMEMBER PALTIN: It's on this, right?

VICE-CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER SINENCI: Okay. Thank you.

VICE-CHAIR U'U-HODGINS: Yeah. I read it earlier, but it's...if you have a...for easy reference, in the beginning Staff put out this CliffsNotes, if we will, summary of all of the things, and it just says standardize the times.

COUNCILMEMBER SINENCI: Okay.

VICE-CHAIR U'U-HODGINS: And we heard the new proposed standardization. So, 45 days for the first time period and 30 days for the second time period for reviewing and certifying initiative, recall, and Charter amendment petitions for their review. Yes?

COUNCILMEMBER SINENCI: Okay. Thank you.

VICE-CHAIR U'U-HODGINS: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think Member Sinenci's question is, what is the ballot question?

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's not on our CliffsNotes.

COUNCILMEMBER SINENCI: Yeah.

VICE-CHAIR U'U-HODGINS: Oh, that's not on our CliffsNotes?

COUNCILMEMBER RAWLINS-FERNANDEZ: It's on the resolution that's posted to Granicus.

VICE-CHAIR U'U-HODGINS: Oh, yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Shall the Charter be amended effective January 1st, 2027, to standardize the deadlines related to the Clerk's processing of petitions related to voter initiative, recall of elected officers or board or commission members and Charter amendments?

VICE-CHAIR U'U-HODGINS: Thank you. Okay. Any further discussion? Seeing none. I would like to entertain a motion to pass this on first reading for Resolution 25-216, including any non-substantive revision.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER SINENCI: Second.

VICE-CHAIR U'U-HODGINS: I have a motion by Member Paltin, seconded by Member Sinenci. Any discussion? Seeing none. Did you want to discuss, Member Paltin?

COUNCILMEMBER PALTIN: Just, you know, most of the Clerks are Unit 3 members who have historically been shafted on their bargaining...collective bargaining, and I don't want to stress them out. I don't mind paying them overtime to do the work that they need to do. But, you know, too bad we can't get a formula going so we don't have to continue to amend the Charter. But maybe our population won't grow that much, but I hope our voters do.

VICE-CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER PALTIN: That's it.

VICE-CHAIR U'U-HODGINS: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I would recommend like maybe the days on the ballot question from 30 to 45 so people could kind of get a sense of what's...what's being changed. That would be my suggestion.

COUNCILMEMBER PALTIN: If that does happen, I think we should also include like what is involved in what they have to do in that amount of days. You know, like it's not that we're just increasing the days, it's that the population of voter registered --

COUNCILMEMBER SINENCI: Increased.

COUNCILMEMBER PALTIN: -- is increasing and it needs to be checked. And that's why more days rather than standardizing it down to less days is occurring. Like if I were to read it and say, oh, they just want to take longer without understanding why they want to take longer because --

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . .

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COUNCILMEMBER PALTIN: -- they're hand checking a larger --

COUNCILMEMBER SINENCI: Population.

COUNCILMEMBER PALTIN: -- amount than 1983. Maybe we can say whenever this was originally in the Charter, 20 percent of the last mayoral election was 2,000. So, certifying 2,000 signatures in 20 days or 30 days, no big deal. But now they have to certify 10,000 signatures in a certain amount of time. So, just giving them all the information they need to understand why we're standardizing it up instead of standardizing it down.

VICE-CHAIR U'U-HODGINS: Member Rawlins-Fernandez, did you have something you wanted to add? Thank you, Member Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, it's not just one...it's not just from 30 to 45, it's supplementary petitions 20 to 30. Filing and certification is from 20 to 45. Supplemental petitions is from 10 to 30. And initiation of amendments is from 15 to 45. So, I wouldn't be opposed to changing the ballot question to add that. So, where it says voter initiative from 15 to 30, recall from 15...I don't know. I don't remember what I just read, but adding those numbers so that there's a reference. And then we also have this handy-dandy cheat sheet that will be available on mauicountyvotes.com [sic]

MS. THOMSON: dot gov.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ah, mauicountyvotes.gov, and will be published in the newspaper of not daily circulation. . . .(laughing). . .

VICE-CHAIR U'U-HODGINS: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And on, you know, socials and et cetera. Yeah. So, if...oh, okay. So, I guess we...I don't know if we're going to be voting on it right now then.

VICE-CHAIR U'U-HODGINS: I was going to vote on it. I understand for...personally, I understand you guys' points, but then it does get a little wordy. So, I was going to ask, are we planning on doing not just for this one, but for all the proposed Charter amendments...obviously not, like sent out with the ballots, but just like an infographic on the proposed amendments? Because it's a lot of information when our voters have to vote...when I have to vote, even though we discuss it here and I have to explain it to somebody else, it's difficult. Are we going to do that? And perhaps that might be the best time to put some of the detail in, and we can also describe what Member Paltin is trying to suggest to really explain why you folks need the time to accurately review potentially 10,000 signatures.

MS. THOMSON: Yes. And that's also another great plug for --

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VICE-CHAIR U'U-HODGINS: . . .*(laughing)*. . .

MS. THOMSON: -- the digital voter guide, which Corp. Counsel is so excited because they have the duty of preparing a clear and concise explanation of each Charter Amendment, and they also have to translate it into ōlelo Hawai'i and any other language required under the Federal Voting Rights Act. So, we're happy to, you know, work with Corp. Counsel in providing...helping them to, you know, summarize and provide those points. And I think also, Council itself can produce informational material.

VICE-CHAIR U'U-HODGINS: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are the CliffsNotes allowed at the voter service centers?

MS. THOMSON: The voter guide is, and we have paper copies of it. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay.

VICE-CHAIR U'U-HODGINS: That's a good question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

VICE-CHAIR U'U-HODGINS: Okay. Can we request then for Corp. Counsel, when you guys do do the--I know--when you guys do create this document, could you please add what is currently allowed and what is being proposed, the changes?

MR. KOLBE: Yes.

VICE-CHAIR U'U-HODGINS: Thank you. And maybe a brief description as well, as Member Paltin suggested, of their duties in those 45 days and 30 days to keep it consistent?

MR. KOLBE: Yes.

VICE-CHAIR U'U-HODGINS: Thank you very much. Is that sufficient? Okay. So, I do have a motion by Member Paltin and a second by Member Sinenci. Do we need any other further discussion? If not, all those in favor, please raise your hand and say "aye".

COUNCILMEMBERS: Aye.

MS. MACDONALD: Chair, that is six "ayes", three excused, Councilmember Cook, Sugimura, and Batangan. Motion passes.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXCUSED: **Chair Batangan, and Councilmembers Cook and Sugimura.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of Resolution 25-216.**

VICE-CHAIR U‘U-HODGINS: Thank you. Members, if you don't mind, let's do one more, and then if need be, we can take a quick recess.

**ITEM 10(5): RESOLUTION 25-217, PROPOSED CHARTER AMENDMENT
 ON THE COMPUTATION OF TIME**

VICE-CHAIR U‘U-HODGINS: So, we have before us Resolution 25-217, entitled “PROPOSING AN AMENDMENT [SIC] TO THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE COMPUTATION OF TIME.” Resolution 25-127's purpose is to place on the next General Election ballot question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective January 1, 2027, to specify that the time in which an action must be done is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or holiday, and then it is also to be excluded. Chair Lee, did you want to have any comments, or if not, I'm happy to pass the mic to County Clerk?

COUNCILMEMBER LEE: Yeah. Could you do that?

VICE-CHAIR U‘U-HODGINS: Yes.

COUNCILMEMBER LEE: Pass it to County Clerk. Thank you.

VICE-CHAIR U‘U-HODGINS: I will. Thank you. Clerks?

MS. THOMSON: Thank you. So, we hope this is a very straightforward amendment. The purpose is currently, the County Code has a formula for calculating time. It excludes Sundays and holidays, but it would include Saturdays. The reason that we would like to go ahead and have the Charter exclude the weekends and holidays is so that the

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deadlines in the Charter are clear. So, some of the days...some of the deadlines in the Charter, you count up to, you know, 30 days. Some days you count backwards. For example, with Charter Amendments, we count backwards from the date of the General Election, 75 days a Clerk has to submit the Charter amendments to the Office of Elections. But then when you get into recall, like the initiative petitions and all of that, you're both counting forward from some dates, backwards from some. And if they end up on a weekend, currently what we've been doing is working with Corp. Counsel. We put out a memo every election cycle that laboriously goes through these dates. And Caleb Rowe and I have worked on it for years together. Then we actually send it to like the Initiative Committee, and so that everybody is clear on the dates. We try to not have our employees working on Saturdays. And typically, they will be amenable to that, but it's been my concern that that would not necessarily pass legal challenge if we were to get into a disagreement on that. So, having the deadlines clearly fall within the work week for us would be preferable.

VICE-CHAIR U'U-HODGINS: Thank you. Corporation Counsel, you have anything you want to add before we move on to discussion and testimony?

MR. KOLBE: No. Just briefly, the HRS has Chapter 1-29, Computation of Time, which pretty much does what this resolution is intended to do. It does carve out that when so provided by the rules of court, the last day shall also exclude a Saturday. But there's no legal reason why you can't adopt [sic] this.

VICE-CHAIR U'U-HODGINS: Thank you. Before we go on to discussion, any testifiers wishing to testify on this item, GREAT-10(5).

MR. HURDLE: Chair, we currently have no individuals signed up to testify on this item. Staff will do a last call. If anyone would like to testify, please come up to the podium and begin your testimony or raise your hand on Teams. The count is three, two, one. Seeing no one. Chair, no one has indicated that they wish to testify.

VICE-CHAIR U'U-HODGINS: Thank you. Members, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(5) . . .

VICE-CHAIR U'U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. Again, we will be doing a three-minute questioning period with a one-minute follow-up round, if necessary. Members, any questions? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to follow up on the counting backwards from 75 days from the election, I think it was 75, for Charter

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amendments. So, if the 75 days falls on a Sunday, it would be due the Friday right now?

MS. THOMSON: Right. So, the 75 days for that wouldn't change because that's in state law. So, that's just our deadline deadline, but we try never to push it up to the actual deadline, so we would get it to a wee ahead of that. But we would...so, we would transmit on a workday, absent some very unusual circumstance. So, the 75 days on that circumstance, we're not worried about. But really, what I'm kind of talking about is...so the voter initiative is kind of a perfect, perfect example here of so many things. So, they have...within 180 days of filing with the County Clerk, they have to get their petition together. So, within 45 days, we have to determine the sufficiency thereof. So, in that case, if we did change to incorporate this, excluding Saturday, Sunday, or the holiday, if you count...you exclude the first day. So, say you filed it on May 1st, and you count 45 days from May 1st...and just for example, that ended up on a Saturday, you would exclude Saturday, Sunday, and so the deadline would be Monday. So, they would actually get a bit longer than 45 days.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then this section would supersede the 45 days rule?

MS. THOMSON: Right. So, it would say...you know, it would basically tell you how to count those days. Yeah. And certain agencies...like OIP restricts their deadlines to business days, which just...to me is more difficult to count.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, it's still...we're still counting calendar days, not business days.

MS. THOMSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Except for if the deadline falls on a Saturday, Sunday, or holiday. And then in that case, we would recognize the business day.

MS. THOMSON: Right. Then it would bump to the next business day, which would be Monday morning. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Unless Monday is a holiday.

MS. THOMSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Then it would be Tuesday.

MS. THOMSON: Tuesday. Exactly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Oh, my next question...second question. . . .*(timer sounds)*. . . In my second round.

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VICE-CHAIR U'U-HODGINS: Does anybody else have any other questions? Okay. I will go to Member Paltin and come back to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Is if we can combine them. Okay. Just think about that.

VICE-CHAIR U'U-HODGINS: Okay. Combining. Thank you. Member Paltin

COUNCILMEMBER PALTIN: Are we sure that this couldn't be done by administrative rules? Like, do we need it in the Charter how we're going to count days? Like, it's in Code.

VICE-CHAIR U'U-HODGINS: But we can answer that.

MS. THOMSON: Like, I think...

MR. HANANO: Chair?

VICE-CHAIR U'U-HODGINS: All the attorneys. Yes. Go ahead.

MR. HANANO: Yeah. There is a Maui County Code section on computation of time. So, it could be accomplished there. Yeah. I don't think necessarily they have to do a Charter Amendment. And I just want to also add that under the reso, I think the language...if we're going to go forward with this resolution, the language in "Be it resolved," paragraph 1, has to be amended to reflect that this is actually a new section that's going to be added, not...

COUNCILMEMBER PALTIN: Yeah. I guess my preference would be not to add a new section, not to specify how we count days in the Charter, but to do it in the Code. I mean, it feels very ethereal. Like, it's going to last forever that we're not going to count days. It ends on a not working day, but we're going calendar days. But still, like as a voter, I don't care how you guys count days really, you know, like as long as it's consistent across the board, like when I'm voting, like who's going to be the next leader of the free world or the County of Maui? And then I look at the thing about how to count days, I'm like why are you wasting my time with how you want to count days? Just count...pick a way to count days and count them, you know? Like, I mean, that's my feeling as a regular, everyday kind of person. Like, count days how you count them, as long as you consistently count days the same way for everybody.

VICE-CHAIR U'U-HODGINS: I will say we did have this problem my first term, and it was a messy discussion, remember?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

VICE-CHAIR U'U-HODGINS: Uh-huh, uh-huh, uh-huh, yeah. I know we have PTSD from that. But if we can do this via Code and not Charter amendment, I'm happy to work with you guys and do it via Code if that works with you folks.

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MS. THOMSON: My concern about...so, the County Code already does have a section on computation of time, and it excludes Sunday and holidays. My concern about that is that to me, there's still a legal question on whether that applies to the Charter. It definitely applies to everything in the County Code, but does it apply to the Charter, which is basically a step above the Code?

COUNCILMEMBER PALTIN: So, I would change the Code to say Saturdays, Sundays, and holidays, and this shall apply to the County Code...Charter. . . .*(timer sounds)*. . .

VICE-CHAIR U'U-HODGINS: Can you say that?

COUNCILMEMBER PALTIN: Can I say that?

VICE-CHAIR U'U-HODGINS: Can we say that?

MS. THOMSON: Defer to the attorneys on that.

COUNCILMEMBER PALTIN: Aren't you guys all attorneys?

MR. HANANO: I mean, unless there is a conflicting provision in the Charter, I think the Charter also allows for the Council to fill in the blanks, so to speak, if there's any ambiguity in the Charter. So, I think if we amend...it's actually Section 1.04.020, sub E. Yeah. And Deputy County Clerk is correct that it does reference...it says, the time within which an act to be done as provided in any provision in this Code or any order issued pursuant to any provision in this Code when it's expressed in days shall be computed by excluding the first day and including the last unless the last day is a Sunday or a holiday, in which case it is also excluded.

COUNCILMEMBER PALTIN: So, take that section of the Code and say...Code and Charter, and excluding unless the last day is a Saturday, Sunday, or holiday. And I would feel like we could call it a day and we solve this problem. And we don't have to like involve the public in how to count.

MR. HANANO: I don't have a problem with that. I would defer to the Corporation Counsel.

COUNCILMEMBER PALTIN: We're not aware of any conflicting day counting procedures?

MR. HANANO: No, I'm not. Not in the Charter.

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: That would be my recommendation.

VICE-CHAIR U'U-HODGINS: Thank you. Ms. Thomson, did you want to have anything to add, Deputy Clerk?

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MS. THOMSON: Not necessarily. We'll work with Corp. Counsel and OCS on that. An alternative could be, too, we could combine it with our first proposal, which is kind of a housekeeping one, too, the publication notice proposal. We could incorporate that in there.

VICE-CHAIR U'U-HODGINS: Is that what you were talking about, Member Rawlins-Fernandez, and where we can combine?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I wanted to see how many of them we could combine.

VICE-CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: You know, because I'm with Member Paltin, absolutely, but I also understand the hierarchy of laws and if...the Code usually does not tell the Charter what to do unless the Charter tells the Code that it can. And so, I don't have the entirety of the Charter memorized, so I don't know if like this...you know, if we could combine them so that it's just like one question and it's like wrapped up as like housekeeping to modernize and get our Charter out of the '80s into the 2020s, then great. And it can just be one ballot question. I think that would be better.

COUNCILMEMBER PALTIN: And I'm not opposed to that, but I still would like to change the Code to line up with the Charter on the Saturday, Sunday, Monday.

COUNCILMEMBER RAWLINS-FERNANDEZ: And support that, too.

COUNCILMEMBER PALTIN: And Chair Lee can introduce the bill on behalf of the Clerks.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair Lee.

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

VICE-CHAIR U'U-HODGINS: Look at her face.

COUNCILMEMBER LEE: Whatever pleases you, count on me. I have work to do right now.

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

COUNCILMEMBER LEE: I'm getting work done, actually.

VICE-CHAIR U'U-HODGINS: Oh, thank you for participating.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

VICE-CHAIR U'U-HODGINS: Do you have any objection to combining these, or creating any language to combine? Yeah, the last one that we just did. Because I think...to be fair,

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I would love to see it via Code, and I'm happy to do that, too. But if we were able to do it via Code, I do think we probably wouldn't have gotten into all the issue we did the last time. And I wish counting days was simple, because I remember it was a big to-do. We had to get lawyers involved on how to count to 45. It was wild. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, for the budget, where we have to have the budget, you know, like adopted and everything all cleared by June 30th, would this affect the counting of those days?

VICE-CHAIR U'U-HODGINS: Good question.

MS. THOMSON: I'll defer to Pete on that. But no, I think it's, I don't believe so. I think that when you have a specified deadline, like June 30th, but it's more about how do you count the days, like 30 days deadline kind of thing, 45-day deadline.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, when Mr. Hanano...

VICE-CHAIR U'U-HODGINS: Mr. Hanano, do you want to add to that, please?

MR. HANANO: I think...it seems like from this past budget session, the consensus...or maybe not consensus, but the way it was handled was to go the Friday before. Like, I think one of the days, I think it was an RPT certification, fell on a Sunday. And so, I was told that, okay, then that means you got to do it on Friday. Whether or not that's a problem...I mean, if you go early, it's not going to be a problem. If you go on Monday, it could be a problem if the interpretation is it should have been on Friday. I did find...under Section 4.3 of the Charter, submission of bills to the Mayor, there is a section that says if the Mayor disapproves it, the Mayor shall specify the Mayor's objections to the bill in writing and return it to the County Clerk with the Mayor's objections within ten days, and in parentheses, excluding Saturdays, Sundays, and legal holidays after receiving it.

VICE-CHAIR U'U-HODGINS: Oh, he has . . . *(inaudible)* . . .

MR. HANANO: So, there is an intent to kind of, you know, do what we're proposing here is to exclude legal holiday as a day that you count. And that's the only place I could find it. But, you know, I will say, too, if you're going to amend the Charter, you probably got to amend the Code anyway, because then it will be inconsistent. So, there's that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you know if that Section 4 that you just read applies to the budget? To bills, but not necessarily to the budget ordinance.

MR. HANANO: Yeah, it's to bills. So, there's...I don't think there's anything similar in the budget.

COUNCILMEMBER RAWLINS-FERNANDEZ: Section 4-3.3?

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MR. HANANO: Yeah, I don't think so. I think that's the only place that references, you know, an interpretation like that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then, you know, like if we're going to like combine these and come back with an ASF with like just housekeeping into one, maybe we can get that question clarified before we take action.

VICE-CHAIR U'U-HODGINS: How about actually let's take a few minute recess right now, and then we can figure out how we can do that. And then when we come back, I can have an answer for you folks before we make a...entertain a motion on this. So, if that's all right with you folks, do we want to do a five-minute recess? Because I'm supposed to get through seven, I think we're on three. So, let's do a fiver to come back at 3:20. This meeting is now in recess. . . .*(gavel)*. . .

RECESS: 3:15 p.m.

RECONVENE: 3:32 p.m.

VICE-CHAIR U'U-HODGINS: . . .*(gavel)*. . . Welcome back. It is 3:32 p.m. And we just returned from our recess where we were discussing how to proceed. So, my suggestion for you all, Members, is to defer this and create a combination between this one and the first item we discussed as Reso 25-215, which we're going to see on the 16th again. That's going to stay in compliance with state law. And so, we're going to have this 20...I'm sorry, 217 Computation of Time, we're going to have it combined as to not again overwhelm our electorate. And if that's okay with you folks, then I will defer this item and we will have it.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KB, TC, YLS)

ACTION: DEFER pending further discussion.

VICE-CHAIR U'U-HODGINS: Thank you. We'll have the discussion again on the 16th. So, this item is going to be deferred and we are going to move on, friends and family. It's 3:33.

**ITEM 10(7): RESOLUTION 26-61, PROPOSED CHARTER AMENDMENT
ON THE PROCESSING OF CLAIMS**

VICE-CHAIR U'U-HODGINS: So, we have before us Resolution 26-61, entitled "PROPOSING AN AMENDMENT TO THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATED TO THE PROCESSING OF CLAIMS." Resolution 26-61's purpose is to place on the next General Election ballot the question of whether the revised Charter of the County of Maui (1983), as amended, should be amended effective January 1, 2027, to streamline the process for filing claims for personal injury or personal damage by requiring that claims are filed directly with

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Corporation Counsel. And at this time, Chair Lee, if you don't mind, we're just going to skip you unless you had something you burning...you wanted to say, and I was just going to go straight to the County Clerk and Corporation Counsel.

COUNCILMEMBER LEE: Okay. No problem.

VICE-CHAIR U'U-HODGINS: Okay. Thank you. Let's see. Clerks?

MS. LUTEY: Thank you, Chair. We've presented this resolution because we, as you know, accept the claims from the members of the public for property damage or personal injury claims. And what's been happening is that we've noticed that it's really causing a lot of confusion for the public, but it's also really heavily taxing my Staff, and that includes me. People don't understand when they come into our office that our sole purpose here is to accept their claim and then distribute it. And so, we get it, we distribute it to Risk, Corp. Counsel, the Mayor, the Chair, and then to the third-party adjuster. And most recently we had a claimant--and these are all publicly filed so I can talk about this--named Mark Weidel, whose vehicle was damaged at one of our beach parks. A tree fell on his car while he was in it. And he filed the claim with us. And I have spent, I would guesstimate, around 40 hours minimum with him just trying to explain the process to him, explain to him where it goes. He was coming in every week. He came in also after the claim was denied because he was frustrated and angry. And what I've realized is that really we're pretty much the only forward-facing, public-facing people that claimants actually see if they come in. And it's just really not something I think that our office should be handling. Because what's happening is, I tell him he needs to go to Risk Management, you need to go to Corp. Counsel. Honestly, I don't know where Risk is, other than the Trask Building. But when they don't get calls back, or if they don't feel like their questions are being addressed...and I'm not in any way blaming anyone for this, they just...because it's not fast enough, they just keep coming back to my office. And that's why I've spent so much time with Mr. Weidel. And it's just, I think, an unnecessary process. I think it's a bit archaic. And I think the best thing to do for our public, to keep them in the loop on how things actually work and what the process actually is, is to send them to the department that handles it, and that's Risk Management through Corp. Counsel.

VICE-CHAIR U'U-HODGINS: Thank you, Clerks. Corp. Counsel? And then we'll take testimony.

MR. KOLBE: Okay. Thank you, Chair. Well, on the outset, 46-72 does permit the Charter to identify who accepts claims on behalf of the County as it relates to damages or personal injuries, and it basically can be any person. It doesn't have to be the County Clerk, but it also doesn't have to be the Corporation Counsel. It could be anyone, frankly, that...I mean, within reason. So, the statute does allow you guys to go ahead and to make that change to the Charter provision to identify Corporation Counsel. I have some concerns, and I have also brought, as a resource person, Heather Andradington from Risk Management, who can provide you with some of her concerns related to the Risk Manager or the Corporation Counsel being the identified recipient of the notices. But I will point out one legal issue that's likely

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to arise out of this, and that is that our office, as attorneys, ultimately are responsible for the litigation that comes out of claims that are filed against the County if they can't be resolved. What that means is that if attorneys are accepting the service on this, oftentimes it is from a person who's a pro se litigant who's submitting this basic form, and they say a lot of things. And so, what that's going to do is, it's going to make us into witnesses who might later have to testify or be involved with the litigation. And I know that this Council is sensitive about having to approve outside counsel for cases where we have an internal conflict because we are witnesses in litigation that we can no longer handle. So, as...you know, as an attorney, I'll tell you we have rules of professional conduct that we have to follow, including that attorneys generally aren't supposed to be witnesses in litigation. There are a few exceptions to that, but the idea is that we can't be conflicted and kind of examined by other attorneys in our office or...you know, I guess...I think you maybe understand my point. So, with that concern, I think we don't want to create conflict if we don't have to. And the conflict can be related to what exactly was filed, when it was filed, whether a claim was filed at all. There are occasions where people have said that they have filed things and then we haven't been able to confirm that, or the County Clerk hasn't been able to confirm that. So, the other thing that's going to happen is there's going to have to be some type of a repository or rules related to the retention of documents, which I think is a traditional role of the County Clerk, and not necessarily our office. But those are my opening remarks. And then, you know, I think at some point after you've had testimony, I'd like to have Ms. Andradington have a chance to address things from the Risk perspective.

VICE-CHAIR U'U-HODGINS: Thank you. We will take testimony, and then we'll have a statement by Ms. Andradington.

MR. HURDLE: Chair, we currently have no one signed up to testify on this item, so Staff will do a last call. If anyone would like to testify, please come up to the podium and begin your testimony or raise your hand on Teams. The count is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(7) . . .

VICE-CHAIR U'U-HODGINS: Okay. As a reminder, written testimony will continue to be accepted. Member Johnson, I saw you had your hand up. Did you want to add to something?

COUNCILMEMBER JOHNSON: I was just ready for questions when you're ready.

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VICE-CHAIR U'U-HODGINS: Oh, okay. Thank you. I don't want to butcher your name, and I said it earlier and I was so confident myself. Yes? Yeah, we'll go with Heather, if you don't mind, first names. Would you please...you're welcome to have a statement as well.

MS. ANDRADINGTON: Hello. Okay. Andradington. Heather Andradington, yes. I don't have a lot, just as an overview of the claims process. When the claims come into the County Clerk's Office, they get transmitted to our third-party administrator, and Risk is copied on that. We don't actually process claims in our office. That is our TPA's job. And in the example that was provided, he was...he was persistent in his pursuit of his claim. However, he was...I personally spoke to him the day after he filed his claim, and he had lots and lots of instruction and advice and the claims process. The overview sort of explained multiple times and that's just...unfortunately, that was unsatisfactory for him. And that's...that's not typical of claimants normally. We don't...I would say he's an outlier as far as how claimants are generally received. As far as claims...receiving claims physically, our location, we're not...we're separate from Corporation Counsel physically, and our building doesn't have an elevator. It doesn't have--and we're on the second floor--it doesn't have any sort of waiting area or public reception area. Our door is locked, it's badge access only. We don't have...we're a very small office and we're already short-staffed right now. We don't have anyone to do the Workers' Compensation claims, as well as the liability...the auto and the property. So, right now, I personally am handling all of those. The claims assistant position is also vacant right now. So, we...and we don't have a receptionist that's sort of our front office equivalent. But when you walk into our office, there's nowhere to...there's no seating for someone that doesn't have a desk. So, basically, if anybody wanted to come to our office and file a claim, they would have to wait outside on the outside walkway where the railing is, and it's not really conducive to that sort of action. I think that's about...did I miss anything? I don't...I don't really...*... (laughing) ...* I mean, I just...I can't really speak to the legality of it all, that's more Tom's question. But just from a logistical standpoint, it doesn't really...it's not feasible for us, yes.

VICE-CHAIR U'U-HODGINS: Thank you. Before I...we go into discussion, I do see that the Clerk has something to add as well, and then I'll go into discussion.

MS. LUTEY: I have a lot to add, but I'll keep it short. So, for civil lawsuits, we're required...the Corporation Counsel accepts service of complaints. For claims, there's no requirement like that. That's why my office has been accepting them. A lot of times they come in via email, they come in by mail, or they'll come in hand-walked. Weidel was an outlier in the sense that he was far more persistent than some, but I'll tell you, he's not abnormal...it's just nobody else sees it except people in my office, i.e. me, because I handled claims in Corp. Counsel for 20 years. And so, during the fires...after the fires, we had a lot of claimants that came in and needed to be walked through the claims process. And because I'm there and I understood the gravity of the situation, I would take the time to explain it. But there was a number of other claims that I could list that are similarly situated. People just don't understand that our office receives it and then distributes it. And back when I was in Corp. Counsel,

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expedited claims, which were under a certain dollar amount, were actually handled internally. But even if they weren't being handled internally because of the dollar amount, you're regularly consulted as the deputy assigned to it, or Risk Management, or both in order to seek resolution if you can. But...you know, I understand that it's an inconvenience, but it is for us as well. And I just...I think for the public, if we're looking at public service and being transparent and helpful to our public, sending them to us is not the place to send them because it's just...it's incredibly time-consuming. And when people are getting frustrated, there's really not much I can do except...I was calling Risk Management, I was calling Corp. Counsel. I didn't call the TPA because I don't think that's my job. But to the extent that I'm able to help people, I will. It's just...it's so much time out of specifically my day and my Staff's day, and I don't think it's fair to our public.

VICE-CHAIR U'U-HODGINS: Thank you. Member Johnson, you had your hand up first. Did you want to begin questioning? And then I'll move over to Member Paltin.

COUNCILMEMBER JOHNSON: Okay, sure. That was interesting line of discussion, I learned some things there. So, some of my questions are already answered, so thank you for that. For the Clerk's Department, why didn't we...why didn't you guys meet with Corporation Counsel on this reso as it directly affects their department?

MS. LUTEY: I don't have a good excuse for that. We have previously had this resolution, I know, up previously, and I know that it wasn't well received because I was in Corp. Counsel and also combating this at the time. But now, in my current position, I can see that it actually makes no sense to have it come to the office I'm currently in at all.

COUNCILMEMBER JOHNSON: So, okay. I'm going to go over to Corporation Counsel because what you mentioned was important, that if you do take these files, you could become a witness, and therefore bring you into the court, and that kind of messy situation. But you also said they can file a claim anywhere...in any department? Would you even say that's the Council departments as well...I mean, us guys as well? I mean, I don't want to get wrapped up in it either. So, it's getting...that's a...maybe clarify that.

MR. KOLBE: Sure, I can clarify that. I didn't mean that anybody...that a file can be...or a claim can be filed with anybody. What it does say is that the Charter can designate who will receive notice under that provision. So, it's to designate a person. So, if it says the Fire Chief, or if it says the Managing Director, or if it says something like that, we've identified a specific person. And then they have a default language that says, or if you don't do it in the Charter, then it's the County Clerk or the Council Chair.

COUNCILMEMBER JOHNSON: Okay. So, like take that person who had the tree fall on them. You're suggesting...or by law, it's suggesting they could go to Parks and say, I'm file...I'm giving this to you guys.

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MR. KOLBE: In order to satisfy the requirement of 46-72, which basically says that you have to provide notice to the counties of, you know, claims, that needs to be satisfied by following that obligation to notify the person who's identified as the entity receiving the claim. So, it couldn't be just to Parks if it's a Park-related case unless you guys decided to identify the Director of Parks as the receiver under 46-72. I don't know if he'd be happy with that.

COUNCILMEMBER JOHNSON: And we'd have to do Charter amendments for all that...like it'd be subject-based. That's kind of messy. Okay. All right. That's the end of my line of questioning. Thank you so much. Thank you.

VICE-CHAIR U'U-HODGINS: Chair Lee? Thank you, Member Johnson...and Member Paltin...

COUNCILMEMBER LEE: I have a question.

VICE-CHAIR U'U-HODGINS: Sorry. Member Paltin, do you mind if Chair Lee goes?

COUNCILMEMBER PALTIN: I guess since she's doing all that extra hard work.

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER LEE: Yeah, thank you. Tom Kolbe. Mr. Kolbe, how many deputies are in Corp. Counsel?

MR. KOLBE: . . .*(inaudible)*. . .

VICE-CHAIR U'U-HODGINS: Oh, can you put on your mic, please? Thank you.

MR. KOLBE: I'm not certain of the exact number. I would estimate about 20.

COUNCILMEMBER LEE: About 20. And then we know there's two in the Clerk's Office. So, I think just by the sheer numbers, you know, it's pretty obvious that...and this is very time-consuming, and they have elections to worry about, and other concerns. Don't you think that the logical place to go would be Corp. Counsel's office? Because you're going to get them eventually anyway.

MR. KOLBE: Chair, I can't speak to whether or not that's the appropriate place. I'm trying to give you just kind of a neutral take on the legal issues. But I...you know, I understand that this is going to be an inconvenience to anybody who's assigned to it. It's my understanding that there's approximately 70 claims or so a year. And so, it's not an enormous number, but it's nevertheless significant, particularly if you are forward...public facing. It doesn't have to be served on an attorney. Service of process has to be served on the Department of the Corporation Counsel, and that service would have to be on an attorney. But generally, I don't believe that an attorney has to accept service of a claim. Because what it is, is just a notice. So, it could be a staff member.

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COUNCILMEMBER LEE: Okay. So what we could also...okay, which you have way more staff than OCC. So, this could be resolved by simply increasing your staff--not yours personally, but the office's staff--by two or three clerks. Do you agree to that?

MR. KOLBE: I believe right now, we have a very severe shortage of staff members. We are mostly fully staffed with attorneys. We don't have a lot of staff on either the litigation or on the counsel and drafting side that are legal secretaries or secretaries. And so, we do have...as part of Corporation Counsel, we have the Risk Management Department. But as you've heard from Ms. Andradington, they're shorthanded as well. So, yeah, sure. But we...you know, as has been pointed out, it's not easy to recruit people into these positions here in the County.

COUNCILMEMBER LEE: Thank you.

VICE-CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER LEE: Thank you, Member Paltin.

VICE-CHAIR U'U-HODGINS: Thank you. Go, Member Paltin, then Member Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Okay. My question is, could we not make a portal...an in-person portal and an online portal to receive these? Like, there's that little orange box outside where you can drop things in and somebody can check it every day. Or like does it have to be a warm body receiving this? Could it be sent in the mail and we reimburse them the 50 cents or whatever for their mailage [sic] if they have a hardship for that? Or give away stamps? Like...I mean obviously, this is very serious to you folks, but the general public, I don't know that they really care. And it seems like we could fix it by saying, like mail it to this location, or upload it online to this portal, or...I mean, I think there's more than a few ways to skim [sic] different animals, and more ways to skin a mango.

VICE-CHAIR U'U-HODGINS: There we go. I think Clerk has something to add to that.

COUNCILMEMBER PALTIN: Add to it.

MS. LUTEY: Thank you.

COUNCILMEMBER PALTIN: Add away.

MS. LUTEY: So, for the vast majority of claims that we get are received in the way that you've explained. They're typically mailed in, sometimes they're emailed. Once a number of the Lahaina victims lawyered up, then we would get long lists of the claimants because it is required by law for them to file that first. And so, that takes away a lot of the traffic. We have three employees in Leg Division, as you all know. So, we have a very short staff. But for the most part, the people that are coming in are

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under typically a lot of stress and are unsatisfied with getting an email back. They do call, but they want to see a human. So, that's where a lot of my time was spent with Mr. Weidel and a few others that were involved in not just the Lahaina fires, but Upcountry as well. These are the more recent ones. And so, that's where the time comes in. And I don't think you need...they're not coming in necessarily with documents, they want to talk. Where's my claim? How come I haven't heard back from third-party adjuster? How long does this process take? When am I going to find out? Why is the TPA telling me that a Corp. Counsel has it? Once they have it, what's the amount that they can pay me out? It's that kind of stuff that people want to know. And I just mean, sure, I can explain it, but I don't know your next Clerk can. And I don't think that we should be.

MS. THOMSON: I think one of the other things to keep in mind is this third-party adjuster is hired and retained under contract to Corp. Counsel. So, the Clerk's Office, we receive the claims. And that's all we are supposed to do. And as Moana was saying . . . *(timer sounds)* . . . another clerk sitting here who's not an attorney who literally practiced in claims for years and overseeing the contract for the third-party adjusters would not be able to explain this or help the public in the way that she is or that I can. It's an unfair burden on this office, and has been for years. And now that we're in these seats, we can clearly recognize the issue.

VICE-CHAIR U'U-HODGINS: Do you have anything else you wanted to add?

COUNCILMEMBER PALTIN: So, the problem isn't the people that email it or mail it in, the problem is the people that come in person.

MS. LUTEY: Or really, the volume is with people who have questions. A lot of people will just call. I'll talk to them on the phone. But when there's really a problem, like Mr. Weidel, they're coming in. And that's where the most of our time is spent with this. And we process a lot of documents.

COUNCILMEMBER PALTIN: And like Legal Aid wouldn't be sufficient or Council Ambassador?

MS. THOMSON: The people who have the answer would be either Corp. Counsel or the third-party adjuster. But because they're sometimes not able to reach them, or they're not getting satisfactory answers and they just have more questions because they're frustrated and their property has been damaged or they've gotten hurt by something, they just want to talk to a human being that is involved in their process. And with our job only being we're taking in their claim and we're sending it out to the people who oversee it, which is Risk and the third-party adjuster, our involvement in that and our willingness and ability to talk to people because we think that's respectful, but it doesn't mean that it's the best service that the public can get. The public needs to reach the agency that's actually involved in managing their claim.

VICE-CHAIR U'U-HODGINS: Before I call you, Member Sinenci, are you pau? And then I'm going to move on to Member Rawlins-Fernandez.

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COUNCILMEMBER PALTIN: Just checking if she had a response because she's holding the mic.

VICE-CHAIR U'U-HODGINS: Oh, okay. Sorry, I cannot see from...okay, thank you. Member Rawlins-Fernandez, followed by Member Sinenci.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. All right. So, I see where Mr. Kolbe was referencing. In HRS 46-72, it says within two years of the injuries accrued shall give the individual identified in respective County's Charter, or if none is specified, the Chairperson of the Council--Chair Lee--of the County, or the Clerk of the County in which the injuries occurred. Okay. So, I think that was...I had the same question as Member Johnson. So, I found that section and maybe that's helpful to him too. Okay. So, if none is specified within the Charter...so we would have to specify. We couldn't do what we did in the other, which is just like in compliance with state law because state law then just points back to the County Clerk or to Chair Lee. . . .(laughing). . . Okay. So...

COUNCILMEMBER LEE: Excuse me. And I have eight claims every single day, and they all have names.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .(laughing). . .

COUNCILMEMBER LEE: One from Molokai, one from Lāna'i, et cetera.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: But we're far more pleasant. . . .(laughing). . . Okay. I don't...yeah, I understand. I'm just trying to wrap my brain around it and I...oh, okay. So, here's the other thing I was thinking. I didn't write it down because I was reading some of the complaints. . . .(laughing). . . So, along with Member Paltin's suggestion, and I understand that it is the claims are received in writing or mailed or hand-delivered. So, we're looking at software for like grants and we have like, you know, MAPPS and stuff. Would like software to show status update of a person's claim be helpful to individuals if it was updated enough? And could that be done by a third party?

MS. LUTEY: I can talk about, so we had a TPA about maybe six or seven years ago, and there was an internal program similar to what you're talking about. So, if someone called, I would log into it, pull them up by name, and then I could see what the adjuster had added into it by notes, and then I could relay it, you know, to the claimant. We didn't have one that the claimant could log into, but that was...I mean, I don't see why that couldn't be done in this day and age. . . .(timer sounds). . . It's just, it's not something we used when I was there, and I don't know what is used now.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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MS. LUTEY: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the answer to my question is yes.

MS. LUTEY: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is it a matter of funding?

MS. LUTEY: I think that's a Corp. Counsel question.

MR. KOLBE: In terms of the funding of it, I would just say this. The claim can't be filed directly with a third-party administrator. It has to be filed with the County, and then the County then would process it through its third-party administrator. So, if there's an additional cost to it, that might be part of the issue. I know that, for instance, the EEOC platform allows for people to enter into a portal with certain amount of information and add information and documents into the form. So, it's not that it's not impossible. The concern I have, and if we were going to do something that's digital-based, is that we're still going to have the folks that the Clerk's dealing with coming in, asking for statuses in person, whoever is the recipient of it. But you probably could do something like that. We still need to have some system in place that's going to timestamp these communications because it's jurisdictional. There are time limits. If they don't file the notice within a certain period of time, then they're barred. They're time-barred. So, it's really important not just that we give them an easy way to submit documents, but that we have documentation to verify exactly when things happened and what they filed. And that's really a big part of the process. So, that's a good idea. I think we would need to explore it and see whether or not that's something that we could do that would...in my view, it would have to be filed with the County, and so it would have to still be a platform that's a county platform and not the third-party administrator.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo...oh, go ahead.

MR. KOLBE: I was just going to say, if Ms. Andradington had anything to offer or add to that.

MS. ANDRADINGTON: The process right now...so we have...the third-party administrator that we currently have, the contract started April 1, 2025. And right now, our claims are submitted via a portal directly to them, but those are only for Workers' Compensation claims. The claims that are filed by the public are...still have to be received by the County, and then they're transmitted to the third-party administrator. They cannot accept claims on our behalf because that's the way government claims and public entity claims work. You have to file it with the entity that you're claiming against. So, it's not...having public access to that, that's not allowed, and there's a lot of...I'm sure there's a lot of legal standards for that just in general terms as far as public entity claims go. The...I can't speak to prior, before we had the current TPA that we have right now, because that's when I started with the County, but I know previously, the impression that I've gotten and experience that I've heard secondhand

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from the previous TPA, there were problems in the handling and the processing of claims and their responsiveness, and that's not something that I've experienced so far. And obviously, with something devastating like the wildfires, we can't really...I wouldn't use that as an example. And unfortunately for the current claimant that sort of sparked this, again, I personally spoke to him more than one occasion, and there's just nothing...if someone's not satisfied with the information that they're given, they run it up, and they run it up, and they run it up, and there's not much that...you know, we can only explain it so many times, and the answer isn't going to change, unfortunately, and that was part of the problem. And him saying that no one was responding to him was not true. And again, our answer just didn't change, so he just kept asking the question and getting the same answer from multiple people. There wasn't anything...you know what I mean?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I understand.

MS. ANDRADINGTON: Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, yeah, no, no. Because it sounds like...I mean, the issue isn't so much like who the claims is filed with, it's who the public then assumes they have that is responsible for seeing the claims through. And so, if we could like figure out how to have...I don't know if it would be Risk and it would be, like another position. I understand that your administrative person is vacant, that position, but having someone be able to, you know, like have the public talk to is the issue, not the actual filing of the claim with the hard copy or via mail. It's the follow up. Okay. Mahalo, Chair.

VICE-CHAIR U'U-HODGINS: Thank you. Member Sinenci, followed by Member Johnson.

COUNCILMEMBER SINENCI: Mahalo, Chair. We had a great gal yesterday, Kelsey, with Youthline. She was great with receiving calls, but that was on another issue. And then my Staff probably takes about 20 calls in Hāna as well. But for Ms. Andrade [sic], you --

VICE-CHAIR U'U-HODGINS: Andradington.

COUNCILMEMBER SINENCI: -- you work under...

COUNCILMEMBER RAWLINS-FERNANDEZ: Andradington.

COUNCILMEMBER SINENCI: Andradington, sorry. I'm like kule today. You...you're under the Corporation Council?

MS. ANDRADINGTON: Correct.

COUNCILMEMBER SINENCI: Oh, okay. And then it's just you in your office? How many? And you just process Workers' Compensation to the TPA?

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MS. ANDRADINGTON: So, Risk Management, we have our Risk Management Officer who is not here, and that's normally who would be here. That's why I'm here.

COUNCILMEMBER SINENCI: Thanks for being here.

MS. ANDRADINGTON: And then we have...we have two Safety Specialists, and we have me, and my job title is Loss Control Specialist, which is actually supposed to be the...the liaison for the liability auto and property claims. And then we have a vacant Workers' Compensation Specialist position right now, and a Claims Assistant position that are both vacant. So, at the moment right now, those...both of those plus mine are...are the hats that I'm wearing. So, that's...and that's just logistics right now, that's because we're having a hard time filling the positions. We...again, the claims are received, they're transmitted to Sedgwick, and then Sedgwick handles the claims. They do that on our behalf, so we do work closely with them, but once the claim is opened by Sedgwick--unless it's a smaller value, and then we handle those in-house--but those are still opened and maintained by Sedgwick. So, they are the...they are the main point of contact for all claimants once a claim is filed. But we are available for questions, and we do...we do take calls, and we do speak directly to claimants, and we work with the departments that are...that are involved. So, we are...we are involved in the process, but we don't actually handle the process themselves.

COUNCILMEMBER SINENCI: And so, you're receiving also claims from the Clerks?

MS. ANDRADINGTON: We get copied on everything.

COUNCILMEMBER SINENCI: Just like all the other departments?

MS. ANDRADINGTON: Um-hum.

COUNCILMEMBER SINENCI: Okay. All right. Thank you for that.

MS. ANDRADINGTON: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Thank you, Member Sinenci. Member Johnson, followed by Member Sugimura.

COUNCILMEMBER JOHNSON: Thank you, Chair. Well, it's...it sounds like we're playing hot potato with this, but the...the idea that like maybe we could do...lessen the burden just doing appointment only, doing online, those kind of things, I would totally support. Maybe a position in the Chair's Office and...to...to work on this, because it's...by state law, you got to take it. It's either Clerk or the Chair. You guys can debate. And your offices are right next to each other. So, hopefully, if you can't go there, you just go across the hallway, and there it is. But I don't know. I'm just trying to come up with solutions because we're changing the Charter for something big when

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it seems we just need someone to receive the claim, and then that person dishes it out to the correct people. I don't know. I just wanted to maybe hear if anybody thought of those suggestions, but I'm ready to move on. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: Thank you. Sounds like we have a couple people waiting to respond to that. I'll start with Deputy Corporation Counsel, and then I'll go on to County Clerk.

MR. KOLBE: I just want to make...make it clear that as we sit here today, we have already identified the Clerk's Office as the recipient for claims under Section 13-6. So, Chair Lee is off the hook in terms of receiving claims unless we made changes to the Charter. So, right now, it is the Clerk that's identified, and the amendment is to identify somebody different, Corporation Counsel. Thanks. Just wanted to clarify.

COUNCILMEMBER JOHNSON: Thanks for that.

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

COUNCILMEMBER SUGIMURA: So important because we're talking about people's concerns, and I like what Member Johnson said. We're treating it like a hot potato, because it really is important. But who's going to be the one who will hold it and nurture it and then move it forward to...was it Sedgwick?

MS. ANDRADINGTON: Sedgwick.

COUNCILMEMBER SUGIMURA: How big is your office? You said there's no room for you to speak to people. Is that a problem?

MS. ANDRADINGTON: So, the office is very small. We're in the Trask Building, so we don't have...there's no lobby or anything. It's just a door you open with a badge, and there's the desk that the Claims Assistant sits at, and then there's offices. And they're all small. And we have a...what we call our break room, but it's just a table, and there's a microwave and a small fridge. And there's really...and we have one empty office right now that is for a position that is vacant, and then we have the front desk, which is vacant because the position is vacant. But there's no seating or extra chairs or anything like that. No, ma'am. No, ma'am.

COUNCILMEMBER SUGIMURA: I think it sounds like Corp. Counsel has to figure out something, and it sounds like your office is too small for what you're supposed to be doing if part of it is customer service.

MS. ANDRADINGTON: We do take...I meet with claimants when we have...for Workers' Compensation claims. I will meet with them in my office. I do have a chair at my desk. And we do...like I said, we take claimant calls, and we're always available, and I frequently speak to claimants and explain the process and make sure that they're in touch with Sedgwick. Again, Mr. Weidel, I spoke to him multiple times. He came to

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Corporation Counsel and spoke to Deputy Counsel multiple times. He just didn't like what he was hearing. . . .*(timer sounds)*. . .

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR U'U-HODGINS: If I may, I know we're talking about one person a lot, but I don't want to make a Charter amendment based on one person's actions, so I think it's very important to just acknowledge that it's the process in which we accept information. And I know everybody has said this, but short staff and insufficient office size is probably everybody's problem in the County. I do find it interesting that we have somebody accepting information that doesn't necessarily process the information. That's almost like DEM accepting an SMA application. But we do have about three more things on the agenda. So, unless anybody has any burning issues...and then I saw people raise their hands. You want to make it quick?

MR. KOLBE: Yeah, I'll do this very quickly. I think that...you know, it's not just a hot potato. There really is a problem where our office can pretty much invent a conflict or create a conflict by being the person who interacts at the notice level so that later on, when we have to litigate this because someone does file an actual claim with the circuit court or the district court or whomever, we now have a real issue as to the types of conflicts that are going to come up. So, I think...I think this deserves a little bit more consideration than just who's going to be the most inconvenienced by dealing with members of the public. These are...many of these are significant claims, or will eventually be significant claims.

VICE-CHAIR U'U-HODGINS: Okay. So, if not you folks, and the Clerk's job is to, you know, maintain vital records but not necessarily process claims, then who? And I know that's the conversation, but if it's not both of you, then who is it?

MS. LUTEY: Can I clarify something? Because I think we've gotten a little off track here, and part of this is my fault, so I'll own that. The issue is not accepting the claims necessarily, it's dealing with the public and explaining the process, which I just happen to have specialized knowledge of. But that was never any of my predecessors, and I don't think it's going to be anyone that succeeds me. That's where the issue is. And I'm not blaming anyone for not making calls or any of that. What I'm saying is that we're in the wrong department because we don't handle the processing at all. We're the recipients. And what we end up with are really angry claimants in our office all the time. It's not one person, even though I brought up Weidel. He's just the most recent. There are many. It should be handled by the department that handles the processing of it. And you're not going to make yourself a witness just by accepting it because in Corp. Counsel, as you all know, that's where you accept service of complaints and you're not being called as a witness. So, I just...I want to keep that on track, but I also want to tell you that this is such an important amendment to us that we're willing to give up the others to get this on the ballot. That's how important it is to us and our Staff.

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VICE-CHAIR U'U-HODGINS: Okay. Members, any other questions before we move on? Double, triple checking. Okay. Go ahead.

COUNCILMEMBER PALTIN: Can we defer this?

VICE-CHAIR U'U-HODGINS: Okay. Okay. We can defer. Do you guys mind if we defer? We'll do another one on the 16th. Poor thing, Kauanoë. He's going to come back and be like, oh, yeah, by the way, we almost did something.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do we have the full day? What day again?

VICE-CHAIR U'U-HODGINS: The 16th.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then it's 9:00 to 4:30.

VICE-CHAIR U'U-HODGINS: No. No, 1:30 to 4:30, just like this one.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't understand why we aren't having like a full day on all the Charter Amendments.

VICE-CHAIR U'U-HODGINS: I don't know. I didn't think we think this was going to take all this long.

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, there's 14 of them. Why would we not do a full day?

COUNCILMEMBER PALTIN: New guy.

VICE-CHAIR U'U-HODGINS: Well, I am probably for the next one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Not blaming you, Chair.

VICE-CHAIR U'U-HODGINS: Yeah, no, no, no. This is what happens when we aren't allowed to discuss, you know, what's going to come on.

COUNCILMEMBER RAWLINS-FERNANDEZ: I know, but 14. Like we're not going to get through...even seven was a long shot.

VICE-CHAIR U'U-HODGINS: So, I am going to actually ask that we--and we're not there yet, but we will be there soon--file Reso 26-94 because it's kind of built into the first one we did.

COUNCILMEMBER PALTIN: So moved.

VICE-CHAIR U'U-HODGINS: Oh, okay. Let's do the other one first and we'll get there. But I appreciate your support on that. It is built into the first one after discussing it with Corporation...I'm sorry, Clerks. It is a bit more built into Reso 25...2015 [sic]. So,

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we'll defer this one. So, without any objection, I will defer this one, Resolution 26-61, and we can figure out what we're going to do with that one. No objection? I know.

COUNCILMEMBER SINENCI: She said we could get rid of all the other ones.

VICE-CHAIR U'U-HODGINS: I know. I know. We want to make the best votes possible. I don't really want to, you know, horse trade with OCS to go choose your, you know, champion one. But...okay. I'm going to defer. I heard no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KB, TC)

ACTION: DEFER pending further discussion.

VICE-CHAIR U'U-HODGINS: Okay. And then we can move on. Let's kind of skip ahead, if you folks don't mind, to Resolution 26-94. Let me actually find it. Okay. Bye. Thank you so much. Thank you.

**ITEM 10(14): RESOLUTION 26-94, PROPOSED CHARTER AMENDMENT
ON PUBLISHING DIGESTS OF THE COUNTY COUNCIL'S
BILLS**

VICE-CHAIR U'U-HODGINS: I'm just going to skip ahead so we can...so, we have before us Resolution 26-94, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ON PUBLISHING DIGESTS OF THE COUNTY OF THE [SIC] COUNCIL'S BILLS." Resolution 26-94's purpose is to place on the next General Election ballot the question of whether the revised Charter of the County of Maui (1983), as amended, should be amended effective January 2nd, 2027, to allow digests of all County Council bills that pass first reading and the votes on each bill to be published online on a website maintained by the County instead of a newspaper of general circulation in the County at least three days before its final reading. Let's take testimony and then I can explain. So, Staff, do we have anybody wishing to testify on this item?

MR. HURDLE: No one signed up for testimony, so we'll do last call. If anyone wants to testify, please come up to the podium or raise your hand on Teams. The count is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

VICE-CHAIR U'U-HODGINS: Thank you very much. Without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(14) . . .

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VICE-CHAIR U'U-HODGINS: I heard no objection. Thank you so much. Written testimony will still be accepted. So, Members, as I described earlier, this is quite similar to Resolution 25-215. Corp. Counsel has similar concerns. As he described earlier, we won't make him read all of the stuff, as he said. And in conversation with County Clerks, they suggested, and it's quite similar to the first one, so they're able to kind of fold it in. Cool? Cool.

COUNCILMEMBER PALTIN: Move to file?

COUNCILMEMBER SINENCI: Second.

VICE-CHAIR U'U-HODGINS: Yes. At this time, I'm going to move to file. I have a motion made by Member Paltin, second by Member Sinenci. Any further discussion? Seeing none. All those in favor of filing this, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

UNIDENTIFIED SPEAKER: Chair, that's six "ayes," three excused, Councilmember Cook, Sugimura, and Batangan. Motion passes.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXCUSED: Chair Batangan, and Councilmembers Cook and
 Sugimura.**

MOTION CARRIED.

ACTION: Recommending FILING of Resolution 26-94.

VICE-CHAIR U'U-HODGINS: Okay, thank you very much.

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**ITEM 10(8): RESOLUTION 26-85, PROPOSED CHARTER AMENDMENT
TO REMOVE THE ENGLISH TRANSLATION OF THE
HAWAI'I STATE MOTTO FROM THE PREAMBLE**

VICE-CHAIR U'U-HODGINS: Okay, thank you very much. We're going to go back to Resolution 26-11. And we have about ten minutes. So, actually, I will talk to you folks...if you guys want to do Resolution 26-11, or since we have Member Rawlins-Fernandez here in person, if she wants to do 26-85, which is your...yeah, 26-85 is you're removing the English translation of the Hawai'i State motto. You're here in person?

COUNCILMEMBER RAWLINS-FERNANDEZ: It's self-explanatory.

VICE-CHAIR U'U-HODGINS: I figured it may be quick, and we could do it in the next ten minutes. Is that okay with everyone? Because I think the next one...

COUNCILMEMBER RAWLINS-FERNANDEZ: It's removing the English translation.

VICE-CHAIR U'U-HODGINS: Yeah. Did you have anything you wanted to say? I mean, I'm going to...I got to call up all of it first, but I figured it would be fast, and you're here in person. I don't know if you're going to be here in person on the 26th [sic].

COUNCILMEMBER RAWLINS-FERNANDEZ: 26th or 16th?

VICE-CHAIR U'U-HODGINS: I'm sorry, 16th, yes. I keep saying 26 because it's 26 on the thing, but we will recess this until the 16th. So, I wanted to give you the opportunity now.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

VICE-CHAIR U'U-HODGINS: Okay. So, we have before us Resolution 26-85, "PROPOSING AN AMENDMENT TO THE PREAMBLE OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, REMOVING THE ENGLISH TRANSLATION OF THE HAWAI'I STATE MOTTO." Resolution 26-85's purpose is to place on the next General Election ballot the question of whether the revised Charter of the County of Maui (1983), as amended, should be amended effective upon passage, by removing the English translation of the Hawai'i State motto in the Maui County Charter preamble, allowing the original phrase, "Ua mau ka ea o ka 'āina i ka pono," to stand on its own. At this time, I'm going to ask for comments from Member Rawlins-Fernandez, and then Deputy Corporation Counsel.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for reading that section. I have nothing to add to that. As we know, there isn't a direct translation from one language to another ever, not just 'ōlelo Hawai'i to English or English to 'ōlelo Hawai'i, that encompasses more than the words in English that it's pigeonholed to. And so, in order for it to not be, that's the proposal for the removal of the English translation.

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VICE-CHAIR U'U-HODGINS: Thank you. Corporation Counsel, do you have anything to add?

MR. KOLBE: The only thing to add, I don't see anything that would require us to have a translation in the Charter.

VICE-CHAIR U'U-HODGINS: Thank you.

MR. KOLBE: And so, what you are interested in doing seems to be perfectly legal. I would point out that the HRS Chapter 5-9 establishes the State's motto and then provides that it says, quote, "it is translated into English to mean," and then it provides a translation. So, the only thing I could say is that you might want to clean up the language a little bit to say that it's disputed as to what the translation between Hawaiian... 'ōlelo Hawaiian and English is. But I'll leave that to you. Otherwise, I'd have no other comments.

VICE-CHAIR U'U-HODGINS: Thank you. Before we get into discussion, Staff, any testimony?

MR. HURDLE: There's currently no one signed up for testimony, so we'll do a last call. If anyone wants to testify, please come to the podium and begin or raise your hand on Teams. The count is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

VICE-CHAIR U'U-HODGINS: Thank you very much. Without objection, I will now close oral testimony. Written testimony can continue to be accepted.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(8) . . .

VICE-CHAIR U'U-HODGINS: No objection. Thank you very much. Oral testimony is closed. Do we have any other discussion on this item? We will limit it to three-ish minutes, but that's pretty much all the amount of time we have in this Committee. Any discussion? I think Member Rawlins-Fernandez said that it stands on its own, and there's no direct translation, and it is disputed whether or not that that's the accurate translation. If anybody wanted to understand what it was translated to, they're welcome to Google it. Any discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Just a quick one. You know, not so much that it's disputed because it means that, but it also means more than that. So, it's not just that. So, it can be translated in this way, but it can also be translated in other ways. And so, you know, it's just more holistic.

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VICE-CHAIR U'U-HODGINS: Sounds good. Thank you. I would like to entertain a motion to recommend passage on first reading of Resolution 26-85, including any nonsubstantive revisions.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SINENCI: Second.

VICE-CHAIR U'U-HODGINS: I have a motion by Member Rawlins-Fernandez, a second by Member Sinenci. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. MACDONALD: Chair, that's six "ayes," three excused, Councilmember Cook, Sugimura, and Batangan. Motion passes.

VOTE: AYES: Vice-Chair U'u-Hodgins, and Councilmembers Johnson, Lee, Paltin, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXCUSED: Chair Batangan, and Councilmembers Cook and Sugimura.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Resolution 26-85.

VICE-CHAIR U'U-HODGINS: Okay, Members...and if you don't mind, I'm going to do one quick thing. So, I had two things, but one of them was going to be Reso 24-100. And if I can get there, then I'll do some discussion. But I'm going to plan on filing it. So, we can whittle down what we can whittle down as we can try to address it in budget, and we will continue to hopefully maybe have it on the next Charter amendment. But for right now, this body, and who knows what we'll be like next year, does a good job at helping our people. So, because we have so many, I'm going to file it. But before I do, I'm going to call it up.

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**ITEM 10(2): RESOLUTION 24-100, PROPOSED CHARTER AMENDMENT
ON USES OF THE OPEN SPACE, NATURAL RESOURCES,
CULTURAL RESOURCES, AND SCENIC VIEWS
PRESERVATION FUND**

VICE-CHAIR U'U-HODGINS: So, we have before us Resolution 24-100, entitled "PROPOSING AMENDMENT TO THE ARTICLE 9 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE USES OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND CITY VIEWS PRESERVATION FUND." Resolution 24-100's purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective July 1, 2025...I'm sorry, 2027, to minimize wildfire risk by authorizing the use of Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund for the regular removal and disposal of fuel hazard. There was an ASF, but considering I'm planning on filing, I'm not going to send it out unless I need to right now. But I will take testimony. So, Staff, do we have any testifiers wishing to testify on this item?

MR. HURDLE: Chair, there's currently no one signed up to testify, so we'll do a last call. If anyone would like to testify, please come to the podium or raise your hand on Teams. The count is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(2) . . .

VICE-CHAIR U'U-HODGINS: Thank you very much. As a reminder, written testimony is continued to be accepted. For discussion, this is my proposal, which is why I'm comfortable pulling it. I would one day love to see it on our Charter. I would love to use this money to be able to support the preservation of Open Space Fund...because like I said, the last time we had this up, we do a great job at purchasing the property, and then not so great of a job maintaining the property in Open Space. But this Council has done a good job at trying to make it work within our budget. And so, I'm comfortable pulling it now, though it's not my favorite thing, but we do have so many things that are going to be on the ballot. So, that's what I have to say. Chair Lee?

COUNCILMEMBER LEE: Okay. So are we done with that one? Because I just want to...I have a question on 26-61. Did you defer that one?

VICE-CHAIR U'U-HODGINS: 26-61...

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COUNCILMEMBER LEE: On the claims?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we deferred it.

VICE-CHAIR U'U-HODGINS: Yes, we did. We're going to continue that discussion because it was too much of a hot potato, hot potato. They're going to continue to discuss.

COUNCILMEMBER LEE: Okay. Just for the record, I would suggest the Department of Finance. Thank you.

VICE-CHAIR U'U-HODGINS: Oh. See? And that's why we deferred. Now, look, we have another option. Thank you. So, I was going to file this one, Resolution 24-100. Can I have a motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SINENCI: Second.

VICE-CHAIR U'U-HODGINS: Thank you. I have a motion made by Member Rawlins-Fernandez, second by Member Sinenci. Any other discussion? Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, for sacrificing your proposal.

VICE-CHAIR U'U-HODGINS: Thank you. I do have another one, so . . . *(laughing)*. . . we'll go with one. I can choose. All those in favor to file, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. MACDONALD: Chair, that's six "ayes", three excused, Councilmember Cook, Sugimura, and Batangan. Motion passes.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXCUSED: **Chair Batangan, and Councilmembers Cook and Sugimura.**

MOTION CARRIED.

ACTION: **Recommending FILING of Resolution 24-100.**

VICE-CHAIR U‘U-HODGINS: Thank you very much. Okay. It is 4:29. And for...to kind of wrap up what we did today. So, we deferred the first item, which is 25-215. And we're going to see a combo in our next meeting on the 16th with 25-217, which is both the computation of time and the language about notifications and in compliance with state law. We passed Resolution 25-216. We deferred Resolution 26-61 with further discussion on the 16th. We filed Resolution 26-94. We passed Resolution 26-85. And we filed Resolution 24-100. The rest will continue to be discussed on the 16th. Yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, did we hit seven?

VICE-CHAIR U‘U-HODGINS: Oh, great question.

COUNCILMEMBER RAWLINS-FERNANDEZ: And while you're looking, I just...thank you for chairing this meeting.

VICE-CHAIR U‘U-HODGINS: You're welcome.

COUNCILMEMBER RAWLINS-FERNANDEZ: I hope the Members who are not here are going to watch this meeting because I don't...like, these are important, and I don't want to end up taking up more time like relitigating or rediscussing everything that we just discussed for three hours today on the bills that we just made recommendations to.

COUNCILMEMBER PALTIN: The Staff can do that, too.

COUNCILMEMBER RAWLINS-FERNANDEZ: However they need to, I don't want to have to redo these three hours because then, when we recess in the reconvene meeting, we're only going to have three hours again. And that irritates the crap out of me because this is important. This is our Charter. And so, I fly here to be here in person because

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it's challenging to do this remotely. And I have proposals and I want to be able to be here in person so we can work out whatever needs to be changed because it's important to the community. It's important to me. And we've generally...like, reserved like a full day or more to do this. And to have this in three-hour segments is just not how I would do it, and not how I would recommend anyone do it. And I'm really disappointed that this is how it's being done right now. Thank you for filling in. And...yeah, thank you. That's it.

VICE-CHAIR U'U-HODGINS: Yeah, I agree. I don't really want to rediscuss all of these items, especially because we are going to defer three of them. The Reso 25...2015 [sic] and 2017...217 should be a decent conversation. And I hope to see some progress in 26-61, the process of claims.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the others, I mean, are kind of...it's going to take some discussion.

VICE-CHAIR U'U-HODGINS: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's going to take more than three hours. I don't know...like does Staff know if we're planning to recess again after? I don't think we're going to finish on the 16th.

VICE-CHAIR U'U-HODGINS: I don't know. Do we have time to recess . . . (inaudible) . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Did the Chair of this Committee like have that discussion before he was...planned to leave?

MS. MACDONALD: Chair, it was discussed. And the plan was to proceed as is currently discussed, which is to have today's meeting and then to recess to the afternoon on the 16th. If further time is needed, then my hope is when Committee Chair Batangan is back, we can discuss further options about polling for another meeting to complete the discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I just think that's inconsiderate for those that don't live on this island. Mahalo, Chair.

VICE-CHAIR U'U-HODGINS: Yeah. Thank you. So, Members, if there are no objections, I will recess this meeting to 1:30 p.m. on Tuesday, June 16th, 2026, to the same Microsoft Teams link and connections we are using today, with in-person viewing available in this Council Chamber. Any objections?

COUNCILMEMBERS: No objections.

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VICE-CHAIR U'U-HODGINS: Seeing none. Thank you very much. It is 4:33, and this meeting is in recess. . . .(*gavel*). . .

RECESS: 4:33 p.m.

great:min:260602min:jay:tla

Transcribed by: Terianne L. Arreola

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CERTIFICATION

I, Terianne L. Arreola, hereby certify that pages 1 through 60 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 1st day of July 2026, in Makawao, Hawai'i.

A handwritten signature in black ink, appearing to read 'Terianne L. Arreola', is written over a horizontal line.

Terianne L. Arreola