

REQUEST FOR LEGAL SERVICES

D a t e: August 30, 2024

F r o m: Nohelani U'u-Hodgins, Chair

Government Relations, Ethics, and Transparency Committee

TRANSMITTAL

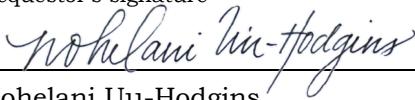
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Yukari Murakami, Esq.

Subject: **INDEPENDENT NOMINATION BOARD** (GREAT-5(7))

Background Data: Please see the attachment. May I please request you transmit your response to great.committee@mauicounty.us with a reference to GREAT-5(7).

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY

☒ OTHER: See above

Requestor's signature  Nohelani Uu-Hodgins	Contact Person <u>Kasie Apo Takayama or Megan Moniz</u> (Telephone Extension: 7665 or 7145, respectively)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 10, 2024

REASON: For discussion at the September 12, 2024, GREAT Committee meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)

☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

great:ltr:005(7)acc01:kmatt

Attachment

At its meeting of September 12, 2024, at 1:30 p.m., the Government Relations, Ethics, and Transparency Committee intends to discuss the Independent Nomination Board (“INB”).

May I please request you provide a legal opinion in response to the following:

1. Which section under Chapter 92, Hawai‘i Revised Statutes, allows the INB to vote and receive presentations in executive session? Please explain your reasoning.
2. Section 92-9, Hawai‘i Revised Statutes, requires boards, commissions, and committees to keep written minutes and make them available to the public after the meeting. There are no INB meeting minutes available on the County of Maui’s website. Please explain the consequences of not complying with this statutory requirement.
3. What are the legal consequences if the INB does not follow correct Sunshine Law procedures under Chapter 92, Hawai‘i Revised Statutes, when nominating an individual to a board, commission, or committee?
 - a. For example, if the INB uses a process in violation of Sunshine Law to nominate an individual who gets approved by the Maui County Council, and the individual proceeds to sit on a board and votes, can that vote and resulting action be void because the individual was nominated in violation of Sunshine Law? Can the appointment of the nominee by the Council be challenged because the INB process was not Sunshine Law compliant?

May I further request you transmit your response **by September 10, 2024**, and have a representative from the Department of the Corporation Counsel be prepared to speak on the legal opinion during the Committee meeting.

great:ltr:005(7)acc01_attachment:clm