

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

July 9, 2024

Online Only via TEAMS

CONVENE: 2:24 p.m.

PRESENT: Councilmember Nohelani U'u-Hodgins, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember, Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Shane M. Sinenci, Member

STAFF: Kasie Apo Takayama, Senior Legislative Analyst
Clarissa MacDonald, Legislative Analyst
Pauline Martins, Senior Committee Secretary
Lori Tengan, Committee Secretary
Megan Moniz, Legislative Attorney
Carla Nakata, Legislative Attorney
Ryan Martins, Council Ambassador

Zhantell Lindo, Council Aide, Moloka'i Residency Area Office
Roxanne Morita, Council Aide, Lāna'i Residency Area Office
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency
Area Office
Jade Rojas-Letisi, Makawao-Ha'ikū-Pā'ia Residency Area
Office
Bill Snipes, Council Aide, South Maui Residency Area Office

ADMIN.: Victoria J. Takayesu, Corporation Counsel, Department of
the Corporation Counsel
Kristin Tarnstrom, Deputy Corporation Counsel,
Department of the Corporation Counsel
Thomas Kolbe, Deputy Corporation Counsel, Department of
the Corporation Counsel
Josiah Nishita, Managing Director, Department of
Management

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OTHERS: Jordan Inafuku, McCorriston Miller Mukai MacKinnon LLP
Henry Curtis, Executive Director, Life of the Land
David Minkin, McCorriston Miller Mukai MacKinnon LLP
Kevin Barnes
Plus (21) other people

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

CHAIR U'U-HODGINS: . . .(gavel) . . . Will the Government Relations, Ethics, and Transparency Committee meeting of July 9, 2024, please come to order. It is 2:24 p.m. I'm your Chair, Nohe U'u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Did we call *Akakū*?

CHAIR U'U-HODGINS: Yeah, we did. That's what we were waiting --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR U'U-HODGINS: -- for.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. Okay.

CHAIR U'U-HODGINS: Is there any issues on your end?

COUNCILMEMBER RAWLINS-FERNANDEZ: Because we're not on Channel 53.

CHAIR U'U-HODGINS: Oh, shucks.

COUNCILMEMBER RAWLINS-FERNANDEZ: It...it's...yeah, we're not on the TV.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, now we're on.

CHAIR U'U-HODGINS: Okay. Good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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CHAIR U'U-HODGINS: Thank you so much for letting us know. We were taking a break so they could kind of get it together in the nicest of way because we were pretty quick with it. So, thank you for letting us know. Okay. So, we're going to start our good afternoon greetings with Committee Vice-Chair Paltin. Good afternoon, Hafa Adai.

VICE-CHAIR PALTIN: Second Hafa Adai. Aloha 'auinalā, kākou.

CHAIR U'U-HODGINS: Aloha.

VICE-CHAIR PALTIN: No testifiers waiting to testify at our Lahaina Recovery Center office.

CHAIR U'U-HODGINS: Thank you very much. Councilmember Cook, good afternoon, Hafa Adai.

COUNCILMEMBER COOK: Hafa Adai. Good afternoon. Aloha.

CHAIR U'U-HODGINS: Aloha. Councilmember Johnson and Kama are excused for now. Council Chair Alice Lee, good afternoon, Hafa Adai.

COUNCILMEMBER LEE: Hafa Adai, Chair.

CHAIR U'U-HODGINS: Councilmember Rawlins-Fernandez, good afternoon, and Hafa Adai.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, mai Molokai nui a Hina. I'm at the Molokai District office, alone on my side of the office, and we currently have no testifiers here. Mahalo, Chair.

CHAIR U'U-HODGINS: Thank you very much. Councilmember Shane Sinenci is excused. And that leaves us with Councilmember Yuki Lei Sugimura. Good afternoon, Hafa Adai.

COUNCILMEMBER SUGIMURA: Good afternoon, Hafa Adai. And there's no one in this floor at my residence but me.

CHAIR U'U-HODGINS: Thank you very much. Thank you. Today we have joining us Managing Director Josiah Nishita. From Corporation Counsel, we have Victoria Takayesu, Corporation Counsel; Kristin Tarnstrom, Deputy Corporation Counsel; and Thomas Kolbe, Deputy Corporation Counsel. We have with us also David MacKinnon [sic], partner of McCorriston Miller Mukai MacKinnon LLP and Jordan Inafuku, partner, McCorriston Miller Mukai MacKinnon LLP. Our Committee Staff include Pauline Martins, Senior Committee Secretary; Kasie Apo

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Takayama, Senior Legislative Analyst; Clarissa McDonald, Legislative Analyst; Megan Moniz, Legislative Attorney; Carla Nakata, Legislative Attorney; Jean Pokipala, Council Services Assistant Clerk; and Lori Tengan, Committee Secretary. Please see the last page of the agenda for information on meeting connectivity. 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 the 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 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 your name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff; otherwise, please state your name for the record at the beginning of the testimony. Oral testimony is limited to three minutes per item. 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. At this time, I'm going to ask on Staff to please call testifiers wishing to testify at the beginning of the meeting. Staff?

MS. MACDONALD: Yes, Chair. The first individual signed up to testify is Kevin Barnes.

CHAIR U'U-HODGINS: Mr. Barnes.

MS. MACDONALD: Kevin, your camera and mic have been enabled, so you should be able to unmute them. They appear on the top right-hand corner with a line through it. You'll have to click on it so they're unmuted.

...BEGIN PUBLIC TESTIMONY...

MR. BARNES: Thank you, Council. Apologies, I was not interested in testifying. I may have clicked the wrong button here.

CHAIR U'U-HODGINS: ...*(Inaudible)*... Mr. Barnes, do you not want to testify?

MR. BARNES: Correct.

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CHAIR U'U-HODGINS: Okay. Thank you so much. Staff, can we please call the next testifier?

MS. MACDONALD: Yes, Chair. There's currently no one else who has signed up to testify. Would you like me to do a last call? If somebody would like to testify in the Chamber, please let staff know. Or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you.

... END OF PUBLIC TESTIMONY AT BEGINNING OF MEETING ...

**GREAT-11(45) LITIGATION MATTERS (RESOLUTION 24-128 RELATING TO
AUTHORIZING A GLOBAL SETTLEMENT OF ALL WILDFIRE
LITIGATION AGAINST THE COUNTY OF MAUI COLLECTIVELY)**

CHAIR U'U-HODGINS: We have before us Resolution 24-128, entitled "AUTHORIZING A GLOBAL SETTLEMENT OF ALL WILDFIRE LITIGATION AGAINST THE COUNTY OF MAUI COLLECTIVELY." Resolution 24-128's purpose is to authorize a global settlement of all wildfire litigation against the County of Maui. At this time, I'm going to ask for opening comments by Corporation Counsel, and followed by any special counsel comments, if necessary.

MS. TAKAYESU: Thank you, GREAT Committee Chair. Welcome, GREAT Committee. I really appreciate your giving me the opportunity to go ahead and get this scheduled on an expedited basis. So, I'll just give you some background. Currently, the County is...is facing approximately 451 pending lawsuits that are related to the wildfires that occurred on August 8, 2024 [sic]. The count...counts in those complaints include, of course, wrongful death, property damage, inverse condemnation, negligence...just as an example of the number of kinds of causes of actions that we're facing. We've been placed on a very aggressive trial schedule by our State court judge. Our first trials are already set for November. So, we have been participating in discovery, and actively defending the County against numerous motions as well. We've also concurrently been participating in several rounds of mediation that have occurred in an attempt to reach a global settlement in this case. Such a settlement would have to include all the claims filed to date against the County, as well as any future claims yet to be filed up to the date of the expiration of the statute of limitations, which would be August 8, 2025. I believe that after the last round of mediation that we have come to a proposal that I am comfortable recommending to this Committee for acceptance. The mediators have given us...originally gave us a deadline of July 12th...or...yeah, July 12th, this Friday, which is why I had requested the expedited hearing, but

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they just extended it to July 15th, so they gave us one extra working day. So, even though...having said that, I would still like to have some tentative recommendations from this Council before we can get back to the mediator on whether or not we would accept the proposal. The mediation and all the settlement discussions are extremely confidential, and I believe that any further discussion would have to take place in executive session. Thank you.

CHAIR U'U-HODGINS: Thank you. Do we have any opening comments by our special counsel?

MR. INAFUKU: Thank you, Chair. No, no further comments at this time from special counsel. Thank you.

CHAIR U'U-HODGINS: Thank you. At this time, before we move on to discussion, Staff, if we could do a last call for testifiers wishing to testify on this item.

VICE-CHAIR PALTIN: Oh, Chair.

CHAIR U'U-HODGINS: Yes.

VICE-CHAIR PALTIN: Before we do that, could I do a point of information --

CHAIR U'U-HODGINS: Sure.

VICE-CHAIR PALTIN: -- for us nonlawyers --

CHAIR U'U-HODGINS: Absolutely.

VICE-CHAIR PALTIN: -- that don't understand what the term global settlement means.

CHAIR U'U-HODGINS: Okay. Can do.

MS. TAKAYESU: Thank you. A global settlement is something that would encompass all of the claims, cross-claims, counterclaims, that have been filed both against the County, against the codefendants. And then all the plaintiffs would agree to, and all of the...we call them subrogation, or the insurance companies would agree to. In other words, a global settlement would take us out of the litigation arena and focus our attention on further settlement discussions.

VICE-CHAIR PALTIN: And can you remind me which one is the plaintiff and which one is the defendant?

MS. TAKAYESU: Sure. The plaintiffs are those that have alleged wrongdoing, and the defendants are the ones that are representing against claims of negligence and

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wrongdoing. So, for example, the County is both a plaintiff and a defendant. We have brought an action against HECO as plaintiff alleging wrongdoing or negligence on their part; and then, of course, we've also been placed as a defendant against many lawsuits from individual plaintiffs, as well as from the codefendants.

VICE-CHAIR PALTIN: So, then for the global settlement for this resolution, we're talking about ourselves as plaintiff and defendant --

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: -- or just as defendant?

MS. TAKAYESU: Both.

VICE-CHAIR PALTIN: So, this would encompass the HECO thing as well.

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: Okay. Okay. Thank you. I didn't think that was executive session, it was just because us...some guys are not...I always forget which one is the plaintiff and the defendant.

MS. TAKAYESU: No. That's a good question. Thanks.

CHAIR U'U-HODGINS: Thank you. Is this a clarifying question?

COUNCILMEMBER LEE: Yes.

CHAIR U'U-HODGINS: Okay. Perfect.

COUNCILMEMBER LEE: Yeah. It's not a long one like Member . . .*(inaudible)*. . . I just wanted to check if...when you mentioned 451 lawsuits, does that include class action?

MS. TAKAYESU: Yes.

COUNCILMEMBER LEE: So...so, we...that includes everyone...451 includes everyone. There's not another, you know, 500, part of a class action?

MS. TAKAYESU: So the 451 are those filed as of today, and it represents approximately 2,225 plaintiffs...1,800 of those are individuals, and 425 are entities. This...the class action would include claims...not only those claims, but claims yet to be

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filed. So, class action would have to be defined and certified. This will be a process, but it will also include those who have not yet filed claims.

COUNCILMEMBER LEE: Okay. All right. Thank you.

CHAIR U'U-HODGINS: Thank you, Chair. Member Sugimura, you have a clarifying question?

COUNCILMEMBER SUGIMURA: Yeah. This does not include the One 'Ohana Fund...Angel Fund?

MS. TAKAYESU: That, I think, we need to go into executive session to discuss.

CHAIR U'U-HODGINS: Okay. We can save that. Before we continue on with this discussion, Staff, can you please do a call for testimony for people wishing to testify on this item, GREAT-11(45)?

MS. MACDONALD: Yes, Chair. The first individual signed up to testify is Henry Curtis, Life of the Land.

CHAIR U'U-HODGINS: Mr. Curtis?

MS. MACDONALD: Henry, I have promoted you, so you should be able to unmute your camera and microphone now. You may have to look in the top right-hand corner for the camera and mic icon. If they have a line through it, you'll have to click on it to --

MR. CURTIS: Okay.

MS. MACDONALD: -- unmute yourself.

MR. CURTIS: Okay.

MS. MACDONALD: Oh, there you are.

... BEGIN PUBLIC TESTIMONY ...

MR. CURTIS: Aloha. I'm Henry Curtis, Executive Director of Life of the Land, a nonprofit founded by 15 women in 1970. Life of the Land has been involved in more than 60 Public Utility Commission contested case proceedings, including shutting down the Kahului Power Plant and HECO's two current proposals to spend \$670 million to harden electric grids to address wildfires and other extreme weather events. I've reviewed utility wildfire mitigation plans across the Country and

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around the world, and attended HECO's two-day wildfire symposium in Hilo. The biggest problem facing Maui and Hawai'i, in general, is a lack of communication. Life Land [sic] strongly believes that all relevant information must be transparent and available to everyone. This resolution continues the deliberative apportionment of information, where the Administration had a recent oral briefing from the ATF, while the public has been kept in the dark, even though 102 Maui residents are now dead. We think the reso should be held until this Council can review publicly the briefing filed by ATF. Mahalo.

CHAIR U'U-HODGINS: Thank you, Mr. Curtis. Members, any clarifying questions? Seeing none. Thank you very much for your testimony. Staff, do we have anybody else signed up for...to testify?

MS. MACDONALD: Chair, there is currently no one else who has signed up to testify. Would you like me to do a last call?

CHAIR U'U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

... .END OF PUBLIC TESTIMONY. . .

CHAIR U'U-HODGINS: Thank you.

MR. CURTIS: I was the only testifier.

CHAIR U'U-HODGINS: Oh. Can we...thank you. Members, seeing there are no individuals wishing to testify, without objections, I will now close oral testimony for this item, GREAT-11(45).

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony.

CHAIR U'U-HODGINS: Thank you. As a reminder, written...written testimony will continue to be accepted. Before we begin our discussion Q&A, I'd like to bring to the Committee's attention the correspondence dated July 8th from the Department of Corporation Counsel, transmitting a proposed CD1 version of Resolution 24-128. This resolution reflects proposed revisions discussed between the Department of Corporation Counsel and Office of the Council Services. So, we do have an updated one. It's on Granicus. What number is it

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on Granicus? Four, for your viewing pleasure. So, Members, we are anticipated to go into executive session, but if anybody has any questions they would like to ask before we get into executive session, I'd appreciate it now. Member Paltin.

VICE-CHAIR PALTIN: In the other time that I asked you a question, you said that the statute of limitations is...it seemed like two years, and you listed how much folks already had sued the County. So, my question would be between, I guess, now and the end of the statute of limitations, if more folks want to sue the County, then they just sue us and then they get the same...whatever the global settlement is? Or like you said, global settlement takes us out of the courts --

MS. TAKAYESU: Uh-huh.

VICE-CHAIR PALTIN: -- and makes it be like a discussion. Is that...did I understand correctly?

MS. TAKAYESU: Let me see how to explain it. So, once a class is certified, which is happening, then future litigants can sue the County, or HEKO, or all of us. And through the settlement process, they would probably...we're either going to have a special master, we're going to have mediators that are going to manage a part of the settlement fund for those individuals. And then it just will depend what their claims are, what their damages are, and then that will be determined by the special master or the mediator. So, there will be funds available to them if they have a basis for filing their lawsuits, but it will be settled pretty much through that class process, and not through us having to go to court and defend against it.

VICE-CHAIR PALTIN: And when you said class process, it's like a category, not like school class.

MS. TAKAYESU: Right, right.

VICE-CHAIR PALTIN: And so, whatever category people get put into, that's what they'll follow with the negotiator?

MS. TAKAYESU: They'll probably...well, a class means just a group of people that alleged harm from that event. So, that's the class. They won't necessarily be grouped in by people with property damage or people of wrongful death. I think each individual suit will be evaluated independently by the mediator or special master. And then again, it will still be an individual process. They're not going to be lumped in with everybody who lost a house or everybody who sustained, you know, injury.

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VICE-CHAIR PALTIN: And the master negotiator person would be, then like the judge, or no?

MS. TAKAYESU: The court would probably appoint a special master. Someone independent from the court would handle it.

VICE-CHAIR PALTIN: And so, we're taking ourself out of the court realm and putting ourselves in the settlement realm. What if there's nothing...like because to settle, both sides kind of have to agree to something. What if both sides never agree? Then do we go back into the court realm?

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: Oh. Oh, so this is like, let's give this a try kind of thing.

MS. TAKAYESU: Yes. I...I...would you agree with that?

MR. INAFUKU: *(Nodding in agreement).*

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: Okay.

MS. TAKAYESU: We believe that this would help resolve and provide finality to a lot of people--individuals and entities--who need to, you know, I guess --

VICE-CHAIR PALTIN: Move on.

MS. TAKAYESU: -- yes, move on . . .*(inaudible)*. . . --

VICE-CHAIR PALTIN: Okay. Because I saw all the words on the paper, but it was like Greek to me, so this helps. Thank you.

MS. TAKAYESU: Sure. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Members, do we have any other questions before we ask to go into executive session?

VICE-CHAIR PALTIN: Um.

CHAIR U'U-HODGINS: Yeah.

VICE-CHAIR PALTIN: I know we're not supposed to be on the Internet for executive session.

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CHAIR U'U-HODGINS: Yeah.

VICE-CHAIR PALTIN: I didn't see that fourth item on Granicus yet, so I'm...I'm going to be pulling it up to read it. Because I only saw the first three the last time I looked. Is...is that all right?

CHAIR U'U-HODGINS: Great question for the Attorney. I think it's if you don't communicate with people. If not, we can also get you a printed version. Okay. We got Pauline coming with a printed version for you. Okay. Good. Thank you. Thank you for letting us know too. Okay. Members, seeing we don't have any additional questions or comments from us to Corporation Counsel that we need to...before we go into executive session, at this time, I would like to entertain a motion to convene an executive meeting in accordance with Section 92-5(a)(4), Hawai'i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: So moved.

CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: I have a motion made by Councilmember Cook, seconded by Council Chair Lee, to enter into executive session for GREAT 11(45). Any further discussion? Seeing none. All those in favor of the motion, please raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR U'U-HODGINS: All opposed, say no. Aye.

MS. APO TAKAYAMA: Chair, I believe, that's six "ayes," zero "noes," three excused, Members Johnson, Kama, and Sinenci. Motion carries.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson, Kama, and Sinenci.**

MOTION CARRIED.

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

CHAIR U'U-HODGINS: Thank you very much. For the record, the following personnel will be attending the executive session meeting. You need somebody to host the meeting, so I'll be there. Nohe U'u-Hodgins, your Chair; Committee Vice-Chair Tamara Paltin; Councilmember Tom Cook; Council Chair Alice Lee; Councilmember Keani Rawlins-Fernandez; Councilmember Yuki Lei Sugimura. From Corporation Counsel, please correct me if I'm wrong, we have Victoria Takayesu, Corporation Counsel; Kristin Tarnstrom, Deputy Corporation Counsel; Thomas Kolbe, Deputy Corporation Counsel; Jordan Inafuku, partner of McCorriston Miller Mukai MacKinnon. For our Committee Staff, we have Pauline Martins, Senior Committee Secretary; Lori Tengan, Committee Secretary; Megan Moniz, Legislative Attorney; and Carla Nakata, Legislative Attorney. Did I miss anyone?

MS. TAKAYESU: Chair, I also believe John Fiske, who is representing us in our plaintiff's case from Baron & Budd is available virtually. And we also have Josiah, our Managing Director.

CHAIR U'U-HODGINS: Josiah, you going stay?

MR. NISHITA: Thank...thank you, Chair. I guess...I'll leave it up to the Members. If you feel like I'm needed in exec session, I'd be happy to stay. If not, I guess I'll just state that the Administration is in support of the...the resolution before you and the...the settlement that will be talked about in executive session. So, happy to address any questions, if needed, and I defer to your guys' guidance if I'm needed in exec session. Thanks.

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CHAIR U'U-HODGINS: You're always needed, Managing Director Nishita, so thank you for staying with us.

MS. APO TAKAYAMA: Chair, I'm sorry to interrupt.

CHAIR U'U-HODGINS: Yeah.

MS. APO TAKAYAMA: If we can just ask John Fiske to please turn his camera on so we can see him online, or...we just need to know who he is so we can add him to the room.

CHAIR U'U-HODGINS: Okay. Mr. Fiske, if you could please turn on your camera.

MS. APO TAKAYAMA: Or if you can't turn your camera on, maybe raise your hand.

CHAIR U'U-HODGINS: Mr. Fiske, we will need to see...either you turn on your camera, or you raise your hand, or we're going to have to go into executive session without you. Okay. Let's move on. We will continue without him, and we will trust that the attorneys here, en masse, will be more than enough. At this time, I'm going to ask for a...oh, I cannot do the math...a ten-minute recess to 2:58, and this Committee is now in recess. And I'll see you back...Members, don't move. We will have everybody move you into a new Teams meeting. . . .(gavel). . .

RECESS: 2:48 p.m.

RECONVENE: 4:39 p.m.

CHAIR U'U-HODGINS: . . .(gavel). . . Good afternoon. Will the Government Relations, Ethics, and Transparency Committee meeting please reconvene. It is 4:39 p.m. Members, as a reminder, we have just completed our executive meeting on GREAT-11(45). And at this time, I'm going to refer to Megan to provide a summary in accordance with Act 19 (2023).

MS. MONIZ: Thank you, Chair. The...the body discussed the facts and circumstances, legal theories, rights and liabilities of the parties involved regarding the wildfire litigation, as well as the pros and cons of the terms of the proposed global negotiated settlement agreement for all wildfire litigation cases filed against the County of Maui for GREAT-11(45). There was, perhaps, one item that was discussed that might be a bit . . .(inaudible). . . appropriate for open session. There was a discussion about the applicable statute of limitations. Other than that, there were no other matters discussed. Thank you.

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CHAIR U'U-HODGINS: Thank you, Megan. Is there any further discussion before the recommendation? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm now at my private residence alone.

CHAIR U'U-HODGINS: Thank you very much. At this time, I would like to entertain a motion to recommend the adoption of Resolution 24-128, including any nonsubstantive revisions.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER COOK: Second.

CHAIR U'U-HODGINS: Thank you. I have a --

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: Thank you. I have a motion made by Chair Lee, and a second by Councilmember Cook. Any further discussion?

MS. MONIZ: Chair, if we could clarify, it's the CD1.

CHAIR U'U-HODGINS: I'm getting to that.

MS. MONIZ: Oh, thank you.

CHAIR U'U-HODGINS: Yeah. Thank you. Any further discussion? If not, I would like to entertain a motion to substitute Resolution 24-128 with the proposed CD1 version transmitted by the Department of Corporation Counsel.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER COOK: Second.

CHAIR U'U-HODGINS: Thank you. I have a motion made by --

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: -- Chair Lee--sorry, Member Sugimura--and a second by Councilmember Cook. Any further discussion? Okay. Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR U'U-HODGINS: Aye.

MS. APO TAKAYAMA: Chair, that's six "ayes," zero "noes," three excused, Members Johnson, Kama, and Sinenci. Motion carries.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson, Kama, and
Sinenci.**

MOTION CARRIED.

ACTION: **SUBSTITUTE RESOLUTION 24-128 with the CD1
version.**

CHAIR U'U-HODGINS: Thank you very much, Members. And any discussion on the motion as amended? Seeing none. All those in favor of the motion as amended, please raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR U'U-HODGINS: Aye.

MS. APO TAKAYAMA: Chair, that's six "ayes," zero "noes," three excused, Members Johnson, Kama, and Sinenci. Motion carries.

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NOES: None.

ABSTAIN: **None.**

ABSENT: None.

EXC.: Council

EXC.: Councilmembers Johnson, Kama, and Sinenci.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION 24-128, CD1.

CHAIR U'U-HODGINS: Okay. Thank you, Members. This item will move on to full Council for its consideration. At this time, this concludes the Government Relations, Ethics, and Transparency Committee meeting. Again, thank you very much, Members. It's been a long day. It is now 4:42, and this meeting is adjourned. . . .*(gavel)* . . .

ADJOURN: 4:42 p.m.

APPROVED BY:

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

great:min: 240709-2:th

Transcribed by: Tricia Higa

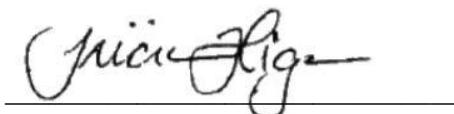
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CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 17 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 30th day of August 2024, in Mililani, Hawai'i



Tricia Higa