

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

## MINUTES

February 18, 2025

Online Only via Teams

**CONVENE:** 1:49 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Nohelani U‘u-Hodgins, Chair  
Councilmember Tamara Paltin, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member (Out 3:57 p.m.; In 4:41 p.m.)  
Councilmember Alice L. Lee, Member (Out 5:31 p.m.)  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member (In 2:06 p.m.; Out 4:31 p.m.)  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:**

Kasie Apo Takayama, Senior Legislative Analyst  
Clarissa MacDonald, Legislative Analyst  
Peter Hanano, Legislative Attorney  
Maria Leon, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
Richelle Kawasaki, Deputy Director of Council Services  
Ryan Martins, Council Ambassador

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

**ADMIN.:**

Cody Minatodani, Deputy Corporation Counsel, Department of the Corporation  
Counsel (All)  
Lance T. Taguchi, County Auditor, Office of the County Auditor (Resolution 24-90)  
Glen R. Pascual, Deputy Corporation Counsel, Department of the Corporation  
Counsel (Resolution 25-13)  
Thomas Kolbe, Deputy Corporation Counsel, Department of the Corporation  
Counsel (Resolution 25-43)  
Robert Schmidt, Deputy Director, Department of Environmental Management  
(Resolution 25-43)  
Brian A. Bilberry, Deputy Corporation Counsel, Department of the Corporation  
Counsel (Resolution 25-46)  
Jordan Molina, Director, Department of Public Works (Resolution 25-46)

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

**February 18, 2025**

---

**OTHERS:** Nāpua Hū‘eu (Resolution 24-90)  
Josiah Nishita (Resolution 24-90)  
Jasee Law (Resolution 25-43)

(20+) additional attendees

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

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CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon. Will the Government Relations, Ethics, and Transparency Committee meeting of February 18th, 2025, please come to order. It is 1:49 p.m. I am your Chair, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Let's begin with Committee Vice-Chair Tamara Paltin. Good afternoon.

VICE-CHAIR PALTIN: Good afternoon, and aloha ‘auinalā kākou.

CHAIR U‘U-HODGINS: Aloha ‘auinalā. Councilmember Tom Cook.

COUNCILMEMBER COOK: Good afternoon.

CHAIR U‘U-HODGINS: Aloha ‘auinalā. Good afternoon. Councilmember Gabe Johnson, good afternoon, aloha ‘auinalā.

COUNCILMEMBER JOHNSON: Good afternoon, Chair, Councilmembers, community members. There's no testifiers at the Lāna‘i District Office, and I'm here and ready to work. Thank you.

CHAIR U‘U-HODGINS: Thank you very much. Councilmember Tasha Kama, aloha ‘auinalā.

COUNCILMEMBER KAMA: Aloha ‘auinalā, Chair.

CHAIR U‘U-HODGINS: Council Chair Alice Lee, good afternoon, aloha ‘auinalā.

COUNCILMEMBER LEE: Aloha ‘auinalā kākou.

CHAIR U‘U-HODGINS: Councilmember Keani Rawlins-Fernandez, aloha ‘auinalā.

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

CHAIR U‘U-HODGINS: Thank you very much. Councilmember Shane Sinenci, aloha ‘auinalā. Is he with us? Okay. Maybe he'll join us shortly. Councilmember Yuki Lei Sugimura, aloha ‘auinalā.

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

**February 18, 2025**

---

COUNCILMEMBER SUGIMURA: Aloha ‘auinalā, and looking forward to a productive meeting. Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you. Today we have, from Corporation Counsel, Cody Minatodani, Deputy Corporation Counsel. Later, we will have Glen Pascual, Deputy Corporation Counsel; as well as Thomas Kolbe, Deputy Corporation Counsel; and Brian Bilberry, Deputy Corporation Counsel. We have with us right now Mr. Lance Taguchi, the Counter...County Auditor. Later, we will have online Jordan Molina, Director of Public Works, as well as Robert Schmidt, Dire...Deputy Director of Environmental Management. Our Committee Staff include Maria Leon, Committee Secretary; Kasie Apo Takayama, Senior Legislative Analyst; Clarissa MacDonald, Legislative Analyst; Peter Hanano, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; Jean Pokipala, Council Services Assistant Clerk. Please see the last page of the agenda for information on meeting connectivity. One second. Testifiers wanting to provide testimony should sign up in the lobby, join on the online meeting via 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](http://mauicounty.us/agendas) as well. Under the Sunshine Law, the Chair will receive oral testimony for agenda items at the beginning of the meeting 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 that testifiers sign up or raise their hands. For those on Team, Staff will lower your hand once your name is added. Staff will then call the name you're named...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 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 wrap up your testimony. Once you are done testifying, or you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). We will do our best to take up each person in an orderly fashion, and we will now call up testifiers wishing to testify at the beginning of the meeting. Staff, can you please call our first testifier?

MS. MACDONALD: The first testifier is Nāpua Hū‘eu, to be followed by Josiah Nishita.

CHAIR U‘U-HODGINS: Aloha, Ms. Hū‘eu.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MS. HŪ‘EU: Aloha. Okay to begin? Aloha, Council. My name is Nāpua Hū‘eu. I am the Administrator for Hāna Highway Regulation, and I am testifying on Resolution 24-90 in support of reappointing Lance Taguchi as the County Auditor. According to the County Auditor webpage, one of the missions of the County Auditor is to increase government transparency for the purpose of bringing a higher quality of life to the citizens of Maui

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

**February 18, 2025**

---

County. After reviewing last week's GREAT Committee meeting of February 13th, I think it is imperative that an audit be conducted to improve service in the transaction of the public business being conducted in this legislative body. This encouragement comes as a result of inaccurate misperceptions about our organization stated on the record by various Members of this Council. Hāna Highway Regulation has always provided diplomatic communications, despite the subject matter of grave concerns that we deal with. Councilmember Sugimura had made mention of a meeting that she had, and misinsinuated [*sic*] that our organization had displayed anger within that meeting. It was also shocking to me that Miss...that the Councilmember Sugimura could barely articulate the name of our organization, as we were personally invited by her office to serve as a panellist on the Transformation...Transportation and Infrastructure Committee meeting of June 24th, 2021, which I attended by Zoom and provided a clear and concise presentation of the issues and solutions being seen along the Hāna Highway. Perhaps Councilmember Sugimura failed to clarify that maybe it was some of the testimony from community members at large that had tones of anger, which is understandable given the nature of the issue at hand, but never in that meeting, or in any other meeting, have myself or any affiliate member of Hāna Highway Regulation provided angry testimony. I challenge your assistants to find one video of myself as Admin of Hāna Highway regulation, or my sister, a veteran volunteer, testifying in an angry manner, or addressing issues in the field in an angry manner. Part of our work with Hāna Highway Regulation is to train our community on how to engage in progressive and peaceful communications with visitors. Whether we are at the podium or on the highway, we don't yell, shout, or accuse, we provide data, research, and facts of the matter to employ better government policies and visitor behaviors. Please recall that our advocacy involves addressing scenarios that often result in visitor injuries and fatalities. We are trying to improve road safety to prevent visitor deaths, so please do not mistake the seriousness of our work as anger, but rather pressing matters that require direct and efficient communication. Furthermore, I request Mr. Taguchi conduct an audit of last week's GREAT Committee meeting, as my sister and I never made, or ever had contact with, and have never, ever questioned or grilled Councilmember U'u-Hodgins at any beach or home in Ke'anae as she mentioned. This incident was completely falsified, and used to influence fellow...fellow Councilmembers to deny my sister an opportunity to serve on the Maui Planning Commission board to fill the vacant East Maui and Cultural Practitioner seat. I expect the County Auditor to investigate the allegations made by Councilmember U'u-Hodgins against us because I have absolutely no recollection of this incident, and deem it as an outright lie. Councilmember U'u-Hodgins mentioned in the last meeting that there are certain things about my sister she'd rather not say on the floor . . . (*timer sounds*). . . but I encourage her as a public servant and representative to maybe just not lie on the Council floor.

CHAIR U'U-HODGINS: Thank you. Members, any clarifying questions? Because I do have some myself. And I will clarify that you did, and I'm sorry that you don't remember, but I'll never forget. And also, this is kind of not really about Mr. Taguchi's appointment, so I'm going to just maybe limit it to that, but you did. And you guys called yourself the Kānaka Rangers. So, I didn't insinuate that it was the Hāna Highway Regulation, but rather you folks as Kānaka Rangers.

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

**February 18, 2025**

---

MS. HŪ'EU: Whose house did this occur at in Ke'anae?

CHAIR U'U-HODGINS: How about I'm happy to talk to you about this off the floor, but it's not really agendized right now, and I don't really want to mention names about that family property, but I'm totally happy to talk to you about it afterwards.

MS. HŪ'EU: As you know, everybody in Ke'anae is related.

CHAIR U'U-HODGINS: Sure.

MS. HŪ'EU: And so nearly every single home on that peninsula is an aunt or an uncle.

CHAIR U'U-HODGINS: Sure.

MS. HŪ'EU: Neither my sister and I would ever approach any guests of any of our aunts or uncles and grill them or question them.

CHAIR U'U-HODGINS: Sure.

MS. HŪ'EU: And so, I would like to ask for clarification on what we grilled or questioned you on. Because neither of us have any recollection of this event, and we could verify this with every resident on the Ke'anae Peninsula that this incident never happened.

CHAIR U'U-HODGINS: Okay, but it did. And again, I'm happy to talk to you about it off the floor, not right now.

MS. HŪ'EU: It was brought up on the floor. I expect to be able to provide transparency for the fellow Councilmembers.

CHAIR U'U-HODGINS: Sure, but this--that item is not agendized right now.

MS. HŪ'EU: Okay.

CHAIR U'U-HODGINS: I'm totally happy to talk to you about it, for sure, but just not right now.

MS. HŪ'EU: Sounds like a plan.

CHAIR U'U-HODGINS: Yeah. For sure.

MS. HŪ'EU: Any other questions?

CHAIR U'U-HODGINS: Does anybody else have any questions? If not, maybe during recess, we can talk stories.

MS. HŪ'EU: I'd prefer all the communications be like by email so that there's --

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Sure.

MS. HŪ‘EU: -- transparency on...on the back and forth.

CHAIR U‘U-HODGINS: I can do that.

MS. HŪ‘EU: Question, because it was a rough interaction, was there a police report filed?

CHAIR U‘U-HODGINS: No, no, no, no, no. No, we...we totally had a conversation though. But we...again, we can talk about it. I'm happy to email you if you want to email. That's totally fine with me.

MS. HŪ‘EU: I would love --

CHAIR U‘U-HODGINS: Whatever version of --

MS. HŪ‘EU: -- email dialogue --

CHAIR U‘U-HODGINS: Cool.

MS. HŪ‘EU: -- this incident so we can clarify.

CHAIR U‘U-HODGINS: Not a problem. Members, does anybody else have any other questions? Seeing none. Thank you very much for your testimony.

MS. HŪ‘EU: Mahalo.

CHAIR U‘U-HODGINS: Staff, next testifier, please.

MS. MACDONALD: Chair, the next testifier is Josiah Nishita.

MR. NISHITA: Aloha, Chair. Aloha, Councilmembers.

CHAIR U‘U-HODGINS: Aloha.

MR. NISHITA: Thank you for allowing me to be here today. Councilmember Sugimura had mentioned earlier I'm here in perpetuity, so I'm just trying to make that come to fruition.

CHAIR U‘U-HODGINS: . . .*(inaudible)*. . .

MR. NISHITA: I'm here to testify in support. My name is Josiah Nishita, Managing Director with the County of Maui. Today, I'm testifying before you in my personal capacity. I want to testify in support of Resolution 24-9...90, Reappointing Lance Taguchi the County Auditor. I've had the pleasure of knowing Lance for probably about 13 to 14 years now since my time working in the Countle...for the County. And when I first started with the Council, Lance was in the County Clerk's Office. And I've had the pleasure of learning a lot from him, what not to do as well as what to do, and he's just

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

**February 18, 2025**

---

been such a great resource for me throughout my career at the County to understand kind of the ins and outs, historical information, as well as just really helping to navigate some, you know, pretty difficult situations that we deal with, you know, professionally and...and personally. He's always, you know, giving great, sound advice. I...I can't say that, you know, we always agree on everything, but I think that's what's great about, you know, having people like this at the County where we can have very civil dialogue, agree to disagree on things, and learn from each other, as well as Lance has never been afraid to provide some corrective advice to...when needed, or to call out, you know, things that need to be changed, and I...I think that's great. He has a great team in place. He's put them together. Honestly, I probably wouldn't be too bummed if you guys downed it because I would try to hire all of them to come on to the Administration so that--because I need a whole bunch of great people like these working with us, but I do feel that him and his team are in the right place at the right time for this moment, and appreciate the Council taking this up in advance of that. As you know, I'm sure as people are planning out what, you know, needs to happen and...and what to do, we do need to--you know, both from the Admin side as well as Council--giving people with enough advance notice so that, you know, we can make sure that they can plan their...their professional lives appropriately. And, you know, Lance has always come from a place of just trying to really better our County and better our residents' life overall, and that's...to me, that's really all we can ask for, you know, in our...in our County, public servants, as well as from our Auditor. You know, it's less about the gotcha and it's more about really making steps forward to take action to help out our...our residents and their quality of life. . . .*(timer sounds)*. . . And that's what I've just really appreciated from his audits, from our time together, as I've gotten to know him professionally and personally. You know, I...I'm sure there's going to be audits in the future about me and things I should do better, or span of control, or management issues, or anything that I can learn from, and I'm...I'm happy to do so. And I know that Lance is coming from a great place, all in the sake of trying to better our residents, and that's what we're all here for. So, appreciate allowing me the opportunity to speak in support of that, and happy to answer any questions if needed. Thank you.

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

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Mr. Nishita, for your testimony. I just was wondering if you could clarify what things you learned not to do.

MR. NISHITA: . . .*(laughing)*. . . I...I don't think we have enough time for all of that because there've been a lot of things I learned. No, but, you...you know, I...I think especially in navigating a lot of difficult challenges, you know, with the public, with State Legislature, with the Council, with the Mayor, with, you know, other elected bodies or...or agencies that we have to work with, having the like institutional knowledge of things that have happened in the...the past. You know, Ken Fukuoka was also a great resource there for me as well, and...and I'd liken it to that matter to where, you know, they can--because of so much knowledge and experience that they've built up over the years, can help foresee some of the things and challenges we might expect and, you know, can discuss ways in which things have worked or not worked in the past, and we can learn

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

**February 18, 2025**

---

from that. And that's all we're trying to do is not reinvent the wheel and try to always take positive steps forward. So, I've always appreciated that.

VICE-CHAIR PALTIN: Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Members, any other clarifying questions? Seeing none. I guess that's all we got for you today.

MR. NISHITA: Okay. Thank you very much.

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

MS. MACDONALD: Chair, there is currently no one else who is 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.

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

CHAIR U'U-HODGINS: Thank you.

**RESOLUTION 24-90, REAPPOINTING LANCE T. TAGUCHI THE COUNTY AUDITOR**  
(GREAT-7)

CHAIR U'U-HODGINS: We have before us Resolution 24-90, entitled, "REAPPOINTING LANCE T. TAGUCHI THE COUNTY AUDITOR." Resolution 24-90's purpose is to reappoint Lance T. Taguchi as the County Auditor of the County of Maui under Section 3-9.1 of the Revised Charter of the County of Maui, 1983, as amended. The reappointment would be effective July 1st, 2025, for a term ending June 30th, 2031, unless terminated earlier. And at this time, I'm going to please ask our current Auditor for any opening statements.

MR. TAGUCHI: Thank you, Chair. Aloha, Councilmembers. Thank you for this opportunity to discuss the reason why I am seeking reappointment to continue as the Maui County Auditor for a term commencing July 1st, 2025. As you're aware, the County has been facing enormous challenges in the coming years. The devastation in our community and the strain on County resources caused by the COVID pandemic and the August 2023 wildfires will take many years to resolve. I have been a part of this community all my life, and I will continue until the day I die. I have an obligation to my parents, my family, my friends, and I want to be a part of the recovery effort. During my tenure as the Maui County Auditor, I have increased my institutional knowledge of department

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

**February 18, 2025**

---

operations, and assembled a team...well-seasoned team of licensed professionals in the Office of the County Auditor. While my Office is currently made up of only four people, together we have over 147 years of combined experience. I have developed and sustained a good working relationships with the Council, the Administration, County employees, and other County and State auditors. In addition, I have forged and strengthened relationships with the County, State, and Federal law enforcement. As you're aware, we have been reviewing emergency procurements for possible audits or examinations, and during that review, we observed instances which indicate fraud, waste, and abuse may have occurred. We have reported the matter to the appropriate authorities. Since we are no longer actively involved in this matter, we will be looking into what internal control failures that we can report publicly, and make meaningful recommendations to improve the procurement process. As a direct result of what we have already observed, I initiated a County-wide fraud risk assessment. The assessment is currently ongoing, and should be completed by the end of June. If reappointed, I plan to assist the County in our efforts towards recovery by helping to improve internal controls over procurement and the distribution of grant funds. In closing, service to this County has be...has become my life's work. It's been an honor. I humbly ask for the Committee's favorable consideration. Thank you.

CHAIR U‘U-HODGINS: Thank you, Mr. Taguchi. Before we move on, I'm going to recognize Member Sinenci. Good afternoon.

COUNCILMEMBER SINENCI: Aloha and good afternoon, Chair. Sorry, my...my volume was muted so I...sorry I got on late. But I'm at home, I'm by myself, and no testifiers in Hāna, Chair.

CHAIR U‘U-HODGINS: Thank you. Glad you could join us.

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

CHAIR U‘U-HODGINS: Staff, before we move on, is there anybody else wishing to testify on this item?

MS. MACDONALD: Chair, there is currently no one signed up to testify. I can 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.

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

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY ON RESOLUTION 24-90 . . .**

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Thank you very much. And as a reminder, written testimony will continue to be accepted. We will now go into a three-minute questioning period with a one-minute follow-up round if necessary. So, Members, if you have any questions, please raise your hand. Any questions? Member Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Mr. Taguchi, for your willingness to serve. Would the County-wide fraud risk for the distribution of grant funds include controls for the CDBG-DR award?

MR. TAGUCHI: Thank you for the question. The County-wide fraud risk assessment is basically a high-level review of where the risks are. Once we locate and identify where the risks are, we would move into specific areas where we believe we can be of the most help. You know, part of this is to strengthen the controls that we have, and...and if you consider all the different areas that we may discover, I think that considering the past events over the last so many years, I think it...it benefits us to understand going forward, especially when we have so much money coming into this County, so much expenditures that we'll be having to make, whether they be with grant funds, or bond money, or County dollars. There's a whole lot of expenditures got...got to be made, and the Administration, you know, is going to try their best to achieve projects, and they're shorthanded. So, hopefully, you know, by looking at this, we can help them strengthen some of those internal controls.

VICE-CHAIR PALTIN: And then I guess like...you know, like you said with the recent history or before-our-time-kine history, I would identify sole-source contracts as a pretty high fraud risk just based on experience, I guess. So, then would you--because I think legislation to try and curb that, or it could be an internal policy, is at the State level to change legislation, how would you...would it be like an internal policy for us if State legislation on sole-source contracts doesn't change?

MR. TAGUCHI: Thank you for the question. The State legislation provides an overall...like an umbrella of things that you have to follow. I think the County, through its Code, or even through administrative rules, can improve some of the controls. I think that...prior to this, when we were...during...during the COVID pandemic, it was very difficult to come in and place those types of controls because it was such an emergency. You know, people were dying. We had to get PP&E [sic]. So, a lot of the emergency procurements, the controls . . .(timer sounds). . . are lessened because of the immediate need to get things done. But now, we're at a time where I think we can take a look back at some of those things and see what we could have done to make it easier and better...both in terms of expediting, as well as controlling the expenditures.

VICE-CHAIR PALTIN: I heard the bell, but I...I was thinking of DEM, not COVID. But I'll...I'll come around another round.

CHAIR U‘U-HODGINS: Will do. Member Johnson, you have questions?

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

**February 18, 2025**

---

COUNCILMEMBER JOHNSON: Yes. Thank you, Chair. Good morning--or good afternoon, Mr. Taguchi, and thank you for your willingness to serve. You mentioned something in the beginning that made me really kind of reflect on some of the things that have been happening to our community the past couple years. You know, COVID has been followed up right...the...the fire right after. So, the procurement process during COVID, I assume, had problems, and it sounded like in your opening remarks that there was problems involved in that procurement process. Moving forward to the fire, have we fixed those problems? Are we setting ourselves up again for fraud and abuse? I just was watching the guy from--the defense contractor going to jail because he was abusing COVID money. I would hate years down the line, we have this fire money and people were abusing and abusing it. Have we learned the lesson of COVID? Is it a transferable lesson?

MR. TAGUCHI: Thank you for the question. The...at the time of the pandemic, as well as the fire, the Governor and the Mayor had proclamations to lessen the controls. And I can understand why. Because you had to get goods and services out --

COUNCILMEMBER JOHNSON: Right.

MR. TAGUCHI: -- to the people that were suffering. But I think it also would behoove us to, at this point in time, take a look back to see, okay, they did this, this happened. Was there a way that we could establish some controls? Not to really bog down and...so that you would interfere with getting the aid to...to the community, but if there's certain things that can be done then, you know, we...we should take a look at it. And that's what I hope to do, to understand that. Moving forward, if...if the risk assessment finds that there's certain departments that are very high risk, then at that point in time, you know, hopefully we can make specific recommendations to the department that is--you know, we'd be looking at.

COUNCILMEMBER JOHNSON: Okay. Before my time's up, I want to speak on those recommendations. You recommend to the departments. Do--would...is it your capacity to recommend to this body...like legislation changes, for example?

MR. TAGUCHI: The...the short answer is yes.

COUNCILMEMBER JOHNSON: Okay.

MR. TAGUCHI: If there's things that could be done and passed in the Maui County Code, or even possibly through the Charter, then it'll be this body to move it forward.

COUNCILMEMBER JOHNSON: That's a conversation I'd love to continue with you...with you when--once you're approved. Thank you.

MR. TAGUCHI: Thank you.

COUNCILMEMBER JOHNSON: Thank you, Chair.

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

**February 18, 2025**

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CHAIR U‘U-HODGINS: Of course. Thank you, Member Johnson. Members...Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Nice to see you here, and I have to say to the community what I told Auditor Taguchi is that earlier in the year, or maybe ending of last year when we had the Clerks come up, and they were...they came before this Committee for confirmation, and I was surprised that we didn't take you up at the same time, but I'm glad to see you here today. And through the years that I've been on...you know, in the Council, appreciate your good work and how...and you're absolutely right, that he cares for the community, and...and what Managing Director Nishita said also. I have been...I have been lucky, I guess, fortunate to hear some of your audit reports and the outcomes, and I wondered if you might share with us some of those, the audit report that you found most...not enlightening, but fulfilling that you did, and what can we look forward in the future?

MR. TAGUCHI: Thank...thank you for the question. I guess it's kind of taking me back through memory lane, but...you know, understand that the audits, you know, are...are done by my auditors. They provide, you know, the meat and potatoes of the audit. I'm more the person that directs. But one of the most...the first...first report is memorable only because the result of it was implemented. I learned a lot. I learned about how the public looks at things, what they latch on to, and how sometimes I need to really focus on the recommendations in report. And that report was the audit of the Treasury. I think the finding that kind of...the finding that everyone latched onto was that the...the County missed out on \$21 million of interest, and that became a point of contention. But the solution, in my mind, was the most important part of that audit, and the solution was to send the money that we appropriate for the EUTF in the beginning of the year because we had the money. That money, on average, earned around 10 percent during the last five years, and that's how we lost the opportunity to earn \$21 million of interest. And even during the audit, I think the Administration moved forward and sent the money, and they've been sending it early ever since. And that saves the County...that allow...that allows the County to earn a lot of interest, which we can apply it against the obligations that we owed our retirees. So, to me, that was the most successful. . . .*(timer sounds)*. . . I had contentious audits too, but I try to forget those.

CHAIR U‘U-HODGINS: Member Rawlins-Fernandez, I saw earlier that you were going to put your hand up. Do you have any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: I did, but I didn't write it down and I forgot right now.

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I'll...I'll ask in a little bit.

CHAIR U‘U-HODGINS: Sounds good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Members, does anybody else have any other questions? I don't have any questions for right now because in the working of trying to put things on, I had the great pleasure of speaking to our Auditor several times, where I have no doubt he will continue to do the great work he continues to do, but I'm just trying to stall some time so Member Rawlins-Fernandez can remember her question. Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I was intently listening to the response to Member Sugimura's question, and there went my question. It was actually dovetailing off of Member Johnson's question about tightening up safeguards, like putting in safeguards to prevent fraud and abuse. So, you know, transparency, as we heard in...in testimony--and I...I love that we have a County Auditor--one of the things that I had tried to do as the Budget Chair was make our budget available in easy-to-access software so that would be transparent, you know, navigatable [sic] by anyone in the public. It...it never panned out, and so, you know, I'm...I'm...I'm supportive of us not funding the software anymore. We need Staff to...to do that. But I'm still really supportive of like...like a...like a way to have...whether it's like on our page or something where, you know, when grants or contracts are awarded, like it all be in one place. Because if there are any conflicts or any concerns, you know, the public might...may be able to easily access, you know, some kind of a database, and...and then find it quickly, and then provide the information as one of the safeguards. And aloha, Mr. Taguchi. Mahalo for being with us, and your willingness to continue on as our Auditor. So, my question is, when you do recommendations on providing more safeguards like that, is, you know, like software or, you know, that kind of processes something that you would recommend? Or--you know, I mean doesn't have to be that idea, but like something like it, or something.

MR. TAGUCHI: Thank you for the question. I think software and...that help provide some control is valuable. I--for example, when we did our procurement of P...to the P-card audit, we did some data mining, and data mining is applying software to the raw data to determine if there's patterns or trends. So, after we completed that audit, it was very satisfying to see that the Purchasing Department--I believe they purchased the same software--so, my understanding is that they do run the P-card procurement data through that software to try and identify possible controls. So, yes, you're right. There's...there's quite a bit that can be done with software. But at the same token, some things are just old school, like ethics. I think the ...*(timer sounds)*... Ethics Commission was talking about providing ethics training year-round to be able to procure. I think that kind of things will also help because it's kind of like--there's no one solution, I think you approach it in many different ways. But once again, you know, as we look into it, I'll give you...I'll give you more certainty. I'm just...at this point, just trying to think off the top of my head.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I love that. Training is always great, especially when, you know, you're an administrator of a program and there could be like gray area, or, you know, there's--you know, I mean, we're--Maui County, such a small population. So many of us are related. So, helping to advise administrators on how to prevent, you

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

**February 18, 2025**

---

know, actions that could be perceived as unethical. So, training. Awesome. And software. Yes. Okay. Cool. Mahalo, Chair.

CHAIR U‘U-HODGINS: Thank you, Member Rawlins-Fernandez. Members, does anybody else have any other questions? If not, I'm going to call on Member Paltin again. Member Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Mr. Taguchi. I just wanted to follow up on your possible admin rules as a solution. If you suggest admin rules that would cut down on County-wide fraud risk, and the admin chooses not to adopt those rules, would you...what would be the next step? Like propose legislation or something for the County Code?

MR. TAGUCHI: I --

VICE-CHAIR PALTIN: Not suggesting the Bissen Administration wouldn't listen, I'm just...hypothetically.

MR. TAGUCHI: Yeah. Thank you for that comment, you know. Because the reality is, the Administration, they do want to do the right thing. There's a lot of people in the Administration that want to do the right thing, and in fact, a lot of people doing the work knows sometimes that, oh, I shouldn't be doing this, but it's a controlled weakness. Well, I guess what I'm trying to say is the--you--there is a possibility of putting something in the Code, but I think the controls work best when everyone-- . . . *(timer sounds)*. . . Council, Auditor, Administration--kind of work together and agree that this is the way to go. Then you have something that, you know, is more meaningful, I think. Because if you do something by Code, and the Administration doesn't agree with it, they might not do it, and how would you know? So, I think it behooves everybody to try and work together, and establish these internal controls, and everybody do their part.

VICE-CHAIR PALTIN: Maybe we can post all the administrative rules too so that everyone knows what they are.

CHAIR U‘U-HODGINS: Thank you, Member Paltin. Members, does anybody else have any more questions of our Auditor as we discuss his reappointment? None? Great. At this time then, I would like to entertain a motion to recommend the adoption of Resolution 24-90, including any nonsubstantive revisions.

VICE-CHAIR PALTIN: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U‘U-HODGINS: Okay. We have to fight for that one. Motion made by Member Paltin, seconded by Member Sugimura. Any further discussion? Seeing none. I would like to entertain a motion to amend Resolution 24-90 by substituting Resolution 24-90 with

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

**February 18, 2025**

---

the proposed CD1 version attached to Chair Lee's Amendment Summary Form posted on today's agenda.

VICE-CHAIR PALTIN: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: Thank you. I have a motion made by Member Paltin, seconded by Member Sugimura. This version is approved to form and legality by the Department of Corporation Counsel. At this time, if we have any discussion to the motion? Member Paltin, please go ahead.

VICE-CHAIR PALTIN: Full support. Thank you.

CHAIR U'U-HODGINS: I like your concise discussion. Any other discussion? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I also fully support the motion on the floor, and just want to mahalo Mr. Taguchi for his, you know, excellent work, and just appreciation for him and his team for continuing to do the work to, you know, do his--the good work that they've been doing on behalf of the County. Mahalo, Chair.

CHAIR U'U-HODGINS: Thank you. You're right, he has an excellent team. Members, do we have any other discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's nine "ayes," zero "noes." Motion carries.

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

**February 18, 2025**

---

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

CHAIR U‘U-HODGINS: Thank you very much. Members, main motion as amended. Please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Nine "ayes," zero "noes." Motion carries.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: Recommending ADOPTION of Resolution 24-90, CD1.**

CHAIR U‘U-HODGINS: Thank you very much. Congratulations. You're stuck with us for a little bit longer.

MR. TAGUCHI: Thank you.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Yay.

MR. TAGUCHI: Thank you, Members.

CHAIR U‘U-HODGINS: Thank you, Members. Let's move on.

**RESOLUTION 25-13, SETTLEMENT AUTHORIZATION: HAWAIIAN TELCOM, INC. V. COUNTY OF MAUI; ABRAHAM PARK, ET AL.; CIVIL 2CCV-23-0000401**  
(GREAT-11(1))

CHAIR U‘U-HODGINS: Resolution 25-13 we have before us, which would approve the settlement of the claim filed on December 8th, 2023. The claim alleges property damage to utility poles and lines sustained on December 14th, 2021, due to negligent operation of a County vehicle by a County employee. And we have Mr. Glen Pascual with us right now. If you could please provide us any opening comments. Thank you.

MR. PASCUAL: Thank you, Chair U‘u-Hodgins, Vice-Chair Paltin, and Members of the GREAT Committee. This matter involves a lawsuit that was filed by Hawaiian Telcom for property damage arising from an incident that occurred on December 14th, 2021, on Hāna Highway about 0.4 miles south of mile post 48. A County Public Works employee, Abraham Park, was operating a County of Maui truck that was pulling a trailer with a backhoe loaded on top of it. He was taking the backhoe to Kanaio in order to clean mud off the road. While pulling to the side of the road to let an oncoming Northern Powerlines truck to pass, the back end of the backhoe snagged the utility lines above the road and yanked the lines down across the road, causing a telephone pole to come down. As a result of the incident, Plaintiff Hawaiian Telcom had to perform emergency work to repair the damage that was caused, including replacing and splicing cables, and the replacement of the pole. Hawaiian Telcom is claiming \$111,127.45 in damages, representing the amount of the repair costs. Based on the above, I am requesting the authority to settle the case for that amount. If you have any questions --

VICE-CHAIR PALTIN: Oh, could you repeat the amount? Sorry.

MR. PASCUAL: Yes, it was \$111,127.45. If you would like to discuss this further, you know, we could go into executive session, but that's the amount that I'm requesting.

CHAIR U‘U-HODGINS: Thank you. Before we go into discussion, let's take last call for testimony on this item, Resolution 25-13.

MS. MACDONALD: Yes, Chair. There's currently no one who is signed up to testify. Would you like me to do a last call?

CHAIR U‘U-HODGINS: Please.

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

**February 18, 2025**

---

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

CHAIR U'U-HODGINS: Thank you. Members, seeing there...there are no further testimony on this item, without objection, I will now close oral objection [*sic*].

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY ON RESOLUTION 25-13 . . .**

CHAIR U'U-HODGINS: Thank you. Written testimony will continue to be accepted. Sorry, I was multitasking. Members, any questions? Member Kama, then Member Sugimura.

COUNCILMEMBER KAMA: In the summary and complaint files, it's on page 4, it says, 111,127. It doesn't have the 45 cents. Does it matter?

MR. PASCUAL: What I did was I went ahead and asked for the invoice, you know, to show proof of what they paid, and it actually did have 45 cents on there.

COUNCILMEMBER KAMA: Okay. So --

MR. PASCUAL: But the...the complaint also says, \$111,127, or an amount to be proven at trial. So, technically, there is some wiggle room there for the amount that can be paid, but...

COUNCILMEMBER KAMA: So, if we don't go to trial, we're not going to pay the 45 cents?

MR. PASCUAL: Yeah. Essentially, yeah. But I wouldn't recommend going to trial over that amount --

COUNCILMEMBER KAMA: Oh, yeah.

MR. PASCUAL: -- though.

COUNCILMEMBER KAMA: Yeah, or 45 cents.

MR. PASCUAL: Yeah.

COUNCILMEMBER KAMA: Okay. That was...that was my question. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Kama. Member Sugimura, followed by Member Paltin.

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

**February 18, 2025**

---

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Yeah, pretty open and clear, you know, the case, so I don't see a need for executive session, or is there more that we need to find out --

MR. PASCUAL: No.

COUNCILMEMBER SUGIMURA: -- that you haven't told us yet?

MR. PASCUAL: Unless a portion comes up that might require executive session, I don't think there is actually a need for executive session. I agree with you.

COUNCILMEMBER SUGIMURA: Yeah, that's pretty --

MR. PASCUAL: It's pretty straightforward.

COUNCILMEMBER SUGIMURA: -- pretty straightforward. Okay. Thank you.

CHAIR U'U-HODGINS: Of course. Member Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. I just want a disclaimer that like, you know, it's a little bit triggering in light of everything. But then I realized, you know, it's Telecom, not HECO or whatever, but still yet, they were a party to the settlement. Is there any room for, you know, all the wires that we see all over the place, like in a big bird's nest as you go out to the West Side? Not all of that is electrical lines, you know? I think--Telecom, like, the--okay, we...we made a mistake. We brought down your thing. What about all your rubbish, you know, the...the bird's-nest lines all across the place. Are you going to make any effort to pick that up? Can we condition this thing? Because all the time, people get triggered by that too, and it's like, okay, you know, we're at fault, but are you guys going clean up your mess too?

MR. PASCUAL: Yeah, that's a good question. Thank you for that question, Councilmember Paltin. Yeah, I'm not sure whether this...you know, to be honest with you, I'm not sure whether this lawsuit would be the right vehicle to kind of bring that issue up. This was out in Hāna, not in Lahaina. I think everything's green out in Hāna. But...no, but, I mean, not...not to diminish the points that you made.

VICE-CHAIR PALTIN: Maybe if you see him, you can just mention like, you know, triggering. Bird's nest of wires all over.

MR. PASCUAL: Yeah. I mean, I --

VICE-CHAIR PALTIN: Even if they're not live wires.

MR. PASCUAL: Yeah. If...if --

VICE-CHAIR PALTIN: It makes people upset.

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

**February 18, 2025**

---

MR. PASCUAL: Yeah. I...in fact, I think...yeah, I can mention that to the attorney --

VICE-CHAIR PALTIN: That would be great.

MR. PASCUAL: -- as a reminder.

VICE-CHAIR PALTIN: Thank you.

MR. PASCUAL: You're welcome.

VICE-CHAIR PALTIN: Appreciate it. Thank you, Chair.

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

COUNCILMEMBER JOHNSON: Thank you, Chair. Does Corporation Counsel keep a tally on how many utility lines we damage? We always work around them, right? I'm always seeing Public Works--this is not our first rodeo with this type of lawsuit.

MR. PASCUAL: Yeah.

COUNCILMEMBER JOHNSON: Are we following that at all?

MR. PASCUAL: I am not aware of any dedicated effort or fact--what do you call--accumulation of these types of cases at this time, but I can find out for you.

COUNCILMEMBER JOHNSON: I mean, this case seems so similar, and we seem...we seem to have these types of cases often. And so, just something to consider.

MR. PASCUAL: Thank you. I will...I will look into that.

CHAIR U'U-HODGINS: Of course. Thank you, Member Johnson. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I just wanted to speak to the situation, you know, to...and...and kind of give a background for the...the Members. In the efforts to bring broadband to rural East Maui, you know, we've been working with Telcom to add the additional fiber-optic lines. And so, these fiber-optic lines are like three times as...as much lines, as well as three...three huge fiber-optic lines. So, in that vein--and...and we saw it in this last weather event where the poles that are coming--and they want to go ahead and bring it...you know, put in another 200 poles from 'Ulupalakua. But currently, they're adding these huge lines onto these small posts. So, when we...when we did...some of those posts snapped in this last weather...weather event, and so, you...you just had a pole hanging with these fiber-optic lines just crossing. If you go...they're just crossing, and they're well below. And I should have taken some pictures to share, but some of them are right within the...the roadway. So, I mean, not--a truck or a regular...you know, regular truck would hit some of these lines during...during these big weather events, especially on the South Side, where...where we get a lot of

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

**February 18, 2025**

---

wind and...and rain on that side. So, I'm okay with this, but I'm hoping that maybe Hawai'i Telcom would address some of these smaller, older...albeit older poles that are still going out Kaupō side. And so, when you're...when you're adding that much weight and line of the--to...to these smaller poles, a big wind event is just going to snap the bottom, which it did last week, or two weeks ago. So, I'm hoping that, you know, if we settle, that they address or maybe reassess by adding all these extra lines for...for broadband that you're also beefing up these...because we've had kind of sagging for months over the Christmas holiday. Thank you, Chair.

CHAIR U'U-HODGINS: Is there anything you would like to add before I call Member Rawlins-Fernandez...Mr. Pascual?

MR. PASCUAL: No. Thank you, Member Sinenci, for those points. You know, that's something that I can address with the attorney as well, and also I can check with, you know, Public Works as well, in terms of trying to see what kinds of rules or enforcements could be applied to these low-lying cables.

CHAIR U'U-HODGINS: Thank you. Member Rawlins-Fernandez, you had a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: I did, following up on Member Sinenci's comments because same thing on Molokai. So, the logical follow up then is, did the County make sure that the lines that were snagged were at or above the level that it's regulated to be? And I don't know what the regulations are, but on Molokai, we have...we have lines that are on the ground or on the cliffside, and so that's one. One question is, did...did our County Investigator ensure that the lines that were snagged in Hāna were actually at the level that is regulated to be? And then the next question is, who does that regulation? Is it the PUC who make sure that they clean up their mess that Member Paltin is speaking of? Is that...is that PUC? So, I...I think it would be good for us to find out who is the enforcement arm, to ensure that these regulations are being followed.

MR. PASCUAL: Thank you for your question...or your comments. Yeah, there was no indication that the lines were low-lying, but actually, at this point, I would like to request an executive session to discuss this matter because it may involve some issues that I need to discuss. But this is an ongoing litigation, so I may need to request an executive session.

CHAIR U'U-HODGINS: Okay. Before we go into executive session, please remember Miss...Member Rawlins-Fernandez's question because she can't write it down. I'm sure she remembers, but please remember. Do we have any other questions to address in open session before we go into executive session? . . .(inaudible) . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Does he know the answer to my second...the second question that I asked, about who's the regulat...regulatory agency?

MR. PASCUAL: To ans...yeah, unfortunately, I don't know the answer to that question, but I can find out. Sorry. Thanks.

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

**February 18, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Pascual. No other questions for open session.

CHAIR U‘U-HODGINS: Okay. Sounds good. Members, no other questions for open session? Okay. Well, if not, I would like to entertain a motion to convene in executive meeting in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel in 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 court order.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR U‘U-HODGINS: I have a motion made by Member Sugimura and a second by Member Kama to entertain a Reso...executive session for Resolution--give me one second--25-13. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's nine "ayes," zero "noes." Motion carries.

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

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

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

CHAIR U‘U-HODGINS: Okay. One second as I continue to read everything else. For the record, the following personnel will be attending the executive session meeting. All Councilmembers in attendance, including myself, Committee Chair Nohelani

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

**February 18, 2025**

---

U‘u-Hodgins; Committee Vice-Chair Tamara Paltin; Councilmember Tom Cook; Councilmember Gabe Johnson; Councilmember Tasha Kama; Council Chair Alice Lee; Councilmember Keani Rawlins-Fernandez; Councilmember Shane Sinenci; and Councilmember Yuki Lei Sugimura. Office of Council Services Staff include Mr. Peter Hanano, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; and Maria Leon, Committee Secretary. And are both of you going to be joining us, or just one? Just --

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

CHAIR U‘U-HODGINS: Okay. And we have Mr. Glen Pascual, Deputy Corporation Counsel; and Cody Minatodani, Deputy Corporation Counsel. And at this time, I would like to call for a five-minute recess, at 2:47, and we will...p.m., and we will reconvene in executive meeting. This Government Relations, Ethics, and Transparency Committee meeting is now in recess. . . .*(gavel)*. . .

**RECESS:** 2:42 p.m.

**RECONVENE:** 3:30 p.m.

CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon. Will the GREAT Committee please reconvene. It is 3:30 p.m. Is the mics kind of adjusted now that we're back into open session? Okay. Okay, great. Just making sure everybody can hear. Members, we have just completed our executive session meeting on Resolution 25-13. And at this time, I'm going to ask Mr. Hinano--Hanano, I'm sorry--to please provide a summary in accordance with Act 19 (2023).

MR. HANANO: Thank you, Chair. Your GREAT Committee met in executive session to discuss the pros and cons of the settlement, as well as the rights and liabilities of the County. Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you very much. Is there any further discussion before my recommendation? Seeing none. I would like to entertain a motion to recommend the adoption of Resolution 25-13, including any nonsubstantive revisions.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR U‘U-HODGINS: I have a motion made by Member Sugimura and a second by Member Kama. Any discussion needed? Seeing none. I'd also like to entertain a motion to amend the resolution to include the exact settlement amount--this is relating to the 45 cents difference--into the resolution.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: I have a motion made by Member Kama, second by Member Sugimura. Any discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, nine "ayes," zero "noes." Oh.

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

**NOES: None.**

**ABSTAIN: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

CHAIR U‘U-HODGINS: Do we have nine? Oh, Member Rawlins-Fernandez, you have a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, I had a question before we --

CHAIR U‘U-HODGINS: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I thought that we could only vote up or down the recommended. I...I don't oppose adding the cents, I just want to make sure that we're following consistent procedure because I...I--in...in previous settlement proposals, we could only up or down it, we couldn't change the amount.

CHAIR U‘U-HODGINS: I think in discussion--and they can correct me if I'm wrong--because Mr. Pascual specifically stated the amount, which included the 45 cents, we're just recognizing that that's what it says. Yes? Okay. I did ask if that 45 cents was covered into the nonsubstantive revisions, but apparently not.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just --

CHAIR U‘U-HODGINS: Of course.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you know, wanted to protect the taxpayer dollars. Just kidding.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Forty-five cents?

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, yes, but also --

CHAIR U‘U-HODGINS: That's three bus rides when I was young.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Okay. I'm ready for the vote.

CHAIR U‘U-HODGINS: Okay. No, thank you for that question. We had a long discussion about that as well. So, right now, we're at main motion as amended. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, nine "ayes," zero "noes." Motion carries.

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

**NOES:   None.**

**ABSTAIN:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   Recommending ADOPTION of Resolution 25-13, CD1.**

CHAIR U‘U-HODGINS: You took tally of the first vote as well, yeah, before Member Rawlins-Fernandez's question? Okay. Perfect. Just making sure they were all counted. All right, gangy, moving on. Thank you so much, Mr. Pascual.

MR. PASCUAL: Thank you.

**RESOLUTION 25-43, SETTLEMENT AUTHORIZATION: KOMAR MAUI PROPERTIES I LLC V. COUNTY OF MAUI, ET AL.; CIVIL 1:24-CV-00178**

(GREAT-11(2))

CHAIR U‘U-HODGINS: We have before us Resolution 25-43, which would approve the settlement of *Komar Maui Properties I LLC v. Maui County...County of Maui...*I'm sorry...*of Environmental Management*, Civil No. 1:24-CV-00187. In...in consolidated action, the

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

**February 18, 2025**

---

County brought an action in eminent domain against Komar Properties for real property identified...identified as Tax Map Key (2) 3-8-3-20 by a complaint filed on April 30th, 2024, and Komar Properties filed a complaint on April 17th, 2024, for declaratory and injunctive relief. Komar Properties alleges the County failed to supplement an environmental impact statement for the subject property under Chapter 343, Hawai'i Revised statutes. So, now this time, I'm going to please ask for opening comments by Deputy Corporation Counsel Thomas Kolbe.

MR. KOLBE: Thank you, Chair. Good afternoon. Yeah, the subject matter of these two lawsuits is a 20-acre parcel that is adjacent to the Central Maui Landfill. This County authorized us to condemn the property via eminent domain and apportioned \$830,000, which was the appraised value of that property. In anticipation of us filing our eminent domain action, Komar Properties went ahead and filed the declaratory request for declaratory and injunctive relief in Federal court. Approximately two weeks later, we filed our motion for condemnation in eminent domain in the State court. Because the owners of the property are California citizens...sure. Yeah. Is that any...is that better? Yeah. Okay. In anticipation of that, they filed their...their dec action. We filed our eminent domain complaint in State court. It was removed based on diversity jurisdiction to the Federal court, where both cases were consolidated before Magistrate Judge Kenneth Mansfield. Approximately after...well, after the answering briefs from both sides, the County filed a motion for possession of the property. This was so that we could begin our construction and design of another branch of the...of the Maui landfill. We had a hearing before Judge Mansfield related to the possession of the property. At this time, the court made a request to the parties that they be...that they brief the issue about what the appropriate procedural rules are that ought to govern how he...how he determines possession of the property. This is...well, something called the Erie Doctrine, which says in essence that the Federal courts, when they're acting in diversity, should apply substantive State land law by Federal procedure. The court looked at the section HRS 101-29, and determined that that section, which talks about how the County would take possession, needed to follow Federal procedure. And so, on that basis, the court denied us immediate possession, and under...long story short, it became apparent that it was going to be a long and arduous process for us to be able to actually get possession of the property, which was the intended location for us to put the permanent disposal site of the Lahaina debris. After we had the ruling from the court, we entered into early settlement discussions, and we had an early settlement conference with the Magistrate Judge, which was essentially unsuccessful. Our intent was to try to get a price for the fee-simple purchase of the property. We weren't able to do that. After a bit of discovery, it became apparent to us that because the litigation was likely to be a lengthy process in order for us to actually get possession, we looked at other properties in the area. And I won't get into all the details of that, but the long of the short of it is at that point, we had not taken possession of the property, and the court had not made any determination of the validity of the taking. And so, we voluntarily dismissed the eminent domain action, which is allowed under the Federal Rules of Civil Procedure 71.1. After that happened, we engaged in additional settlement discussions with opposing counsel and requested a second settlement conference with Judge Mansfield, which is why I'm here. Because we have...we have met, discussed the issues, and we need to see whether or not there's a way for us to resolve this. And the

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

**February 18, 2025**

---

court is active and willing to be of additional help. However, for a lot of reasons, but most importantly because I need to discuss with you our liabilities and our rights under both the Federal and the State law, rather than discuss in open session, I'm going to request that I...I advise you guys of the litigation in executive session, so I make that request. And I'd be happy to answer questions, but probably most of them ought to be in exec session. Thank you.

CHAIR U'U-HODGINS: Chair Lee, do you have a clarifying question? Because before we get into discussion, I need to do testimony.

COUNCILMEMBER LEE: Yes, a clarifying question.

CHAIR U'U-HODGINS: Okay. Sounds good.

COUNCILMEMBER LEE: But I realize it might have to wait.

CHAIR U'U-HODGINS: Okay.

MR. KOLBE: Okay.

COUNCILMEMBER LEE: The thing is, you're...I was following you as you were explaining the chronology of things, then you said, the County decided to look for another property, and then you left that and went someplace else. So, following along that line, did we find another property?

MR. KOLBE: Yes.

COUNCILMEMBER LEE: I didn't hear it.

MR. KOLBE: I...I...I didn't announce it, but I think this has been something that you guys have --

CHAIR U'U-HODGINS: We've discussed.

COUNCILMEMBER LEE: -- been...been aware of. This is a purchase of two other properties that are also adjacent to the Central Maui Landfill.

CHAIR U'U-HODGINS: But you know what? We also have DEM on the line with us, yes? So, maybe they might fill us in on that, and they will provide us any opening comments they have for this case as well. Thank you, Chair. Thank you. I think you folks need to just unmute on your end, Mr. Schmidt. Do we have him? Okay. I'm going to give him about five more seconds, and then we can go into testimony, and he can answer any questions we might have in discussion. Okay. Staff, do we have testifiers related to this Resolution 25-43?

MS. MACDONALD: Chair, we don't have any testifiers signed up, but I do see somebody approaching the podium.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: All right.

**. . . BEGIN PUBLIC TESTIMONY ON RESOLUTION 25-43 . . .**

MR. LAW: Board of County...County of Maui. Councilmember Paltin said something earlier about having a foot in the Kingdom of Hawai‘i and the...and the other foot in the United States, and this kind of reminds me of that. So, yeah, I've been thinking a lot about it too, and it's like pulling my brain into taffy with the Kingdom of Hawai‘i. So, yeah. So, for clarification, maybe would help when they say property and land, it's two different things. Thank you very much.

CHAIR U‘U-HODGINS: Any clarifying questions? Seeing none. We do have DEM, and they can do an opening statement when we get into discussion, but first we're going to exhaust testimony. Do we have any other testifiers?

MS. MACDONALD: Chair, we don't have anyone else signed up. 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.

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

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY ON RESOLUTION 25-43 . . .**

CHAIR U‘U-HODGINS: Thank you. Written testimony will continue to be accepted. And before we get into discussion, I'm going to take the other opening comments from Mr. Schmidt of DEM.

MR. SCHMIDT: Aloha.

CHAIR U‘U-HODGINS: Aloha.

MR. SCHMIDT: Thank you, Chair. Aloha, Councilmembers. Really, my only opening statement is support of this resolution. Mr. Kolbe explained really well kind of the background and the history. This isn't where we were hoping to end up, but it's where we're at, and so I just...I support the resolution today. Thank you.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Thank you. Members, we don't need clarifying questions for this one, but any discussion, please raise your hand. We have three minutes with a one-minute follow up. I will remind you, we have about 45 minutes in this meeting, and we can figure out what we need to do with the other agenda item if necessary, but please ask your questions. Do we need to go straight into executive session? Okay. Okay. Let's do that then. At this time, I would like to entertain a motion to convene in executive session in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel in questions and issues pertaining to the powers, duties, privileges, immunities, and liability 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 court order. Do I have a motion?

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U‘U-HODGINS: I have a motion made by Chair Lee, seconded by Member Sugimura. Any further discussion? All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, nine "ayes," zero "noes." Motion carries.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   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. All Councilmembers in attendance, including myself, Committee Chair Nohe U‘u-Hodgins; Committee Vice-Chair Tamara Paltin; Councilmember Tom Cook; Councilmember Gabe Johnson; Councilmember Tasha Kama; Council Chair Alice Lee; Councilmember Keani Rawlins-Fernandez;

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

**February 18, 2025**

---

Councilmember Shane Sinenci; and Councilmember Yuki Lei Sugimura. Office of Council Services Staff include Peter Hanano, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; and Maria Leon, Committee Secretary. And for Corporation Counsel, we have--are you staying, Cody?--Cody Minatodani, Deputy Corporation Counsel; and Deputy Corporation Counsel Thomas Kolbe, yes?

MR. KOLBE: Yeah, that's correct. And if I could have as a resource Mr. Schmidt as well?

CHAIR U'U-HODGINS: Please. And Mr. Schmidt. At this time, I'm going to take a five-minute recess. It is 3:45, so 3:50. At this time, I'm going to take a five-minute recess, and we will reconvene in executive session. . . .*(gavel)*. . .

**RECESS:** 3:45 p.m.

**RECONVENE:** 4:31 p.m.

CHAIR U'U-HODGINS: . . .*(gavel)*. . . Will the Government Relations, Ethics, and Transparency Committee meeting please reconvene. It is 4:31 p.m. Members, we have just completed our executive meeting on Resolution 25-43, and at this time, I'm going to ask Mr. Hanano to please provide a summary in accordance with Act 19.

MR. HANANO: Thank you, Chair. Your GREAT Committee met in executive session to discuss settlement efforts, the pros and cons of those settlement efforts, as well as the rights and liabilities of the County. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you very much. Members, is there any further discussion before we move onto my recommendation? Okay. Seeing none. Let me get to my page. Sorry. Okay. Okay. At this time, I'd like to entertain a motion to recommend the adoption of Resolution 25-43, including any nonsubstantive revisions.

COUNCILMEMBER JOHNSON: So moved.

CHAIR U'U-HODGINS: Thank you. I have a motion made by Member Johnson. Do I have a second?

COUNCILMEMBER LEE: Second.

CHAIR U'U-HODGINS: I have a second by Chair Lee. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's eight "ayes," zero "noes," one excused, Member Kama. Motion carries.

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

**February 18, 2025**

---

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

**NOES:**       **None.**

**ABSTAIN:**   **None.**

**EXC.:**       **Councilmember Kama.**

**MOTION CARRIED.**

**ACTION:**    **Recommending ADOPTION of Resolution 25-43.**

CHAIR U‘U-HODGINS: Thank you. Thank you so much. Members, I know right now is usually when we adjourn our meeting. We do have one more thing on the agenda. Member Sinenci, I...I know you need to leave. Member...Member Fernandez, can you--Rawlins-Fernandez, I'm sorry--do you mind staying for a little bit? Thank you so much. I have to leave at about 5:00-ish, so that's the latest I can stay. Is Mr. Bilberry in with us? He's not. Did he leave? Is he coming back? Oh, okay. Sure, please. If not, I can take testimony, and we can defer it. But I'm going to read my little spiel while you please contact him. Thank you so much. Okay. Well, maybe we don't have to stay. We'll see.

**RESOLUTION 25-46, SETTLEMENT AUTHORIZATION: CONSERVATION COUNCIL FOR HAWAI‘I AND AMERICAN BIRD CONSERVANCY V. HAWAIIAN ELECTRIC COMPANY, LTD. AND COUNTY OF MAUI; CASE 1:24-CV-00494-MWJS-WRP**  
(GREAT-11(3))

CHAIR U‘U-HODGINS: We have before us Resolution 25-46, which approve the settlement of the claim filed on November 19th, 2024. The claim alleges streetlights owned and operated by Hawaiian Electric Company, Inc. and Maui Electric Company, Ltd. for the County of Maui is a threat to the continued survival and recovery of three critically-imperiled seabirds that are native to Hawai‘i and are protected under 16 USC, Section 1531 et seq.--whatever that means--of the Endangered Species Act of 1973. Mr. Bilberry is supposed to join us, but while we wait for him to join us, if he's not online, can we please go to testimony?

MS. MACDONALD: Chair, he is online.

CHAIR U‘U-HODGINS: Okay. Mr. Bilberry, if you would like to give us a brief overview. Mr. Bilberry? We'll give him a minute. Let's go to testimony.

MS. MACDONALD: Chair, there's currently nobody who is signed up to testify. Would you like me to do a final call?

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

**February 18, 2025**

---

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.

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 RESOLUTION 25-46 . . .**

CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. Is Mr. Bilberry around? He didn't answer--oh, he's right here. Okay. We're going to give him a minute. Thank you so much.

MR. BILBERRY: . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: Oh no, the elevator stopped while you were in it?

MR. BILBERRY: . . .*(inaudible)*. . . just like...just suddenly . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: Oh. Well, perfect timing because we've been waiting for you.

MR. BILBERRY: Yes.

CHAIR U‘U-HODGINS: If you would like to sit down and give us a really quick overview, I would appreciate it.

MR. BILBERRY: Okay. . . .*(inaudible)*. . . we have time for executive session?

CHAIR U‘U-HODGINS: As long as we get done by about 5:00-ish. We will try our best.

MR. BILBERRY: Mahalo.

CHAIR U‘U-HODGINS: Would you like to sit down and turn on your mic?

MR. BILBERRY: Yes. What are the chances of getting . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: Okay. She's going to look at it right now. In the interim, can you --

MR. BILBERRY: . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: Okay. Let's let you give us a little quick --

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

**February 18, 2025**

---

MR. BILBERRY: Sure.

CHAIR U‘U-HODGINS: -- overview, and then we can figure out another time if necessary.

MR. BILBERRY: Okay.

CHAIR U‘U-HODGINS: Thank you so much.

MR. BILBERRY: Does that got it? Okay. I am here to seek settlement authority for a piece of Federal court litigation that we received in November. It is an Endangered Species Act complaint, and the allegations are that Maui County streetlights are causing illegal take of three endemic species of Hawaiian seabird. Again, the case was filed in Federal court on November 19th, 2024, and just for the Committee's information, it's filed pursuant to 16 USC Sections 1531 et seq., and that's the Endangered Species Act. And just for definitional purposes, the term take, which is what the allegations allege streetlights are doing to Hawai'i's Hawaiian seabirds, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. So, the allegations in this lawsuit is that the streetlights are causing incidental take of Hawaiian seabirds. And in summary, the allegations are that seabirds are being caused to fall out because of distraction by artificial light when they're on their way out to sea and returning to land. A specific allegation in the complaint says the disoriented seabirds will circle artificial lights until they fall to the ground from exhaustion, or strike other human-made structures. Once grounded, the seabirds have a hard time becoming airborne and are susceptible to predation, starvation, dehydration, or vehicle strikes. The allegations in the complaint say that researchers have documented scores of unauthorized takes of Endangered Species Act-listed seabirds in Maui County from fallout that, quote, "likely resulted from attraction to streetlights." The relief being prayed for in the complaint is for Maui County to commit to applying for a Federal take permit, which is no easy task. There's also a settlement demand that was made, which I would have to talk to you about in executive session. We were able to get a commitment from the plaintiffs and have a stipulation that they will not be seeking monetary compensation in this lawsuit. We'll see if they abide by that stipulation. But at this juncture, again, I'm here to ask for settlement authority for this case. I'm happy to answer any questions. I have a lot more detailed information and background to go over in executive session with you. I'm not sure I can do that in under 30 minutes, but we could get started if you would like to do that.

CHAIR U‘U-HODGINS: Yes, let's get started. Members, do we have any questions for open session? Member Johnson.

COUNCILMEMBER JOHNSON: Okay. For...I'll start with open session. If you want me to ask this in closed, just let me know.

MR. BILBERRY: Okay.

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

**February 18, 2025**

---

COUNCILMEMBER JOHNSON: Quite often with...with takes, some of the counters to a taking is the mitigation. So, in...in the Federal permit that they're asking us, is that where we would have a mitigation part of this, or is that going to be later down --

MR. BILBERRY: A mitigation can be separate.

COUNCILMEMBER JOHNSON: It can be separate?

MR. BILBERRY: Yeah.

COUNCILMEMBER JOHNSON: Because we know the windmills, right, they...they are allowed to--you know, birds hit windmills, they fall.

MR. BILBERRY: Right.

COUNCILMEMBER JOHNSON: But in return for that happening, they have to go and do some conservation work and --

MR. BILBERRY: They search for birds. There's some habitat conservation --

COUNCILMEMBER JOHNSON: Yeah.

MR. BILBERRY: -- that goes on.

COUNCILMEMBER JOHNSON: So --

MR. BILBERRY: Predator control. There --

COUNCILMEMBER JOHNSON: Is that something here that --

MR. BILBERRY: Yeah. They've asked for mitigation measures as well, yeah.

COUNCILMEMBER JOHNSON: Okay. They have asked for mitigation measures?

MR. BILBERRY: Yeah.

COUNCILMEMBER JOHNSON: All right. That's...that was where I was going. Thank you, Chair.

MR. BILBERRY: Sure.

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

VICE-CHAIR PALTIN: Can you mention the three species of --

MR. BILBERRY: Yes.

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

**February 18, 2025**

---

VICE-CHAIR PALTIN: -- endemic birds?

MR. BILBERRY: I can.

VICE-CHAIR PALTIN: And...and is there like documentation of them being negatively affected, like circling the lights, videos and stuff?

MR. BILBERRY: Yeah, that's something we can discuss further in executive session, but I can tell you in open session that the evidence is wanting. And another thing to consider is, Maui County streetlights are somewhat of an indistinguishable part of the overall built-up human environment, architectural environment, and...and artificially-lit topography.

VICE-CHAIR PALTIN: And is this same suit going against City and County of Honolulu and Kaua'i?

MR. BILBERRY: You would think so, but no.

VICE-CHAIR PALTIN: Oh.

MR. BILBERRY: Yeah. Kaua'i is dealing with similar issues, and I was going to talk about that a little bit in executive session. The City and County of Honolulu--or...let me back up, I'm sorry. The City...neither the City and County of Honolulu or the State of Hawai'i, which does have jurisdiction over many of the roadways here on Maui--I think there are at least--well, more than three dozen roads that the State has jurisdiction over, including the major highways that run around the coast--they have not been made a party to this lawsuit. We can discuss that further in executive session.

VICE-CHAIR PALTIN: Sounds like we pissed someone off.

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

MR. BILBERRY: I would--well . . .*(laughing)*. . . no, I...I don't think that's it at all. I think this is...I think somebody saw an opportunity here, okay. So, the three species of bird are the 'ua'u, which is the Hawaiian petrel; the 'a'o, which is the Newell shearwater; and the 'akē'akē, which is the band-rumped storm-petrel.

VICE-CHAIR PALTIN: Is that 'a'o, A-O or A-E-O?

MR. BILBERRY: A-O.

VICE-CHAIR PALTIN: Okay. Thank you.

MR. BILBERRY: And I have some--just photographs of them in the presentation I'll show you in executive session.

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

**February 18, 2025**

---

CHAIR U‘U-HODGINS: Members, any other questions in open session before we move over to executive session? Member Johnson, please go ahead.

COUNCILMEMBER JOHNSON: Well, if we have to go, do you want to wait for executive session, or do you want to do this right now? Because he has a presentation, he said.

CHAIR U‘U-HODGINS: He does. I was just texting my husband, making sure they're okay. I'm...I'm okay to go if you guys are okay to stay. I don't want to keep you guys too late.

COUNCILMEMBER JOHNSON: Okay.

MR. BILBERRY: I could probably get through it. I'll move quickly.

CHAIR U‘U-HODGINS: Okay.

MR. BILBERRY: Try to get you out of here ASAP. Yeah.

CHAIR U‘U-HODGINS: We do have another day that we can host this conversation as well, and...if we need to.

MR. BILBERRY: Okay.

CHAIR U‘U-HODGINS: Yeah.

MR. BILBERRY: Yeah. I mean, if we get started today, I'll try to finish.

CHAIR U‘U-HODGINS: Okay.

MR. BILBERRY: Yeah.

CHAIR U‘U-HODGINS: Thank you. Members, any other questions in open sesh [sic]? All right. At this time then, I would like to entertain a motion to convene in executive meeting in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel in questions and issues pertaining to the powers, duties, privileges, immunities, and liability 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 court order. Do I have a motion?

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER KAMA: Second.

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

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

**February 18, 2025**

---

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's eight "ayes," zero "noes," one excused, Member Sinenci. Motion carries.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Sinenci.**

**MOTION CARRIED.**

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

CHAIR U‘U-HODGINS: Okay. One second. Okay. For the record, the following personnel will be attending the executive meeting. All Councilmembers, including...all Councilmembers in attendance, including myself, Committee Chair Nohelani U‘u-Hodgins; Committee Vice-Chair Tamara Paltin; Councilmember Tom Cook; Councilmember Gabe Johnson; Councilmember Kama has returned; Council Chair Alice Lee; Councilmember Keani Rawlins-Fernandez; Councilmember Shane Sinenci is no longer with us at the time; and Councilmember Yuki Lei Sugimura. Office of Council Services Staff include Peter Hanano, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; and Maria Leon, Council...I'm sorry, Committee Secretary. Are you going to stay with us? Okay. From Corporation Counsel, we have Deputy Corporation Counsel Brian Bilberry. Anybody else going to join from your end?

MR. BILBERRY: Oh, yeah, sorry. . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: And Director Molina, Director of Public Works, will be joining us as well. At this time, I'm going to take a three-minute recess to 4:48, and I will see you guys in executive meeting. Don't move, don't breathe. Kasie will move you over. See you guys soon. . . .*(gavel)*. . .

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

**February 18, 2025**

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**RECESS:** 4:45 p.m.

**RECONVENE:** 5:55 p.m.

CHAIR U‘U-HODGINS: . . .(*gavel*) . . . Will the Government Relations, Ethics, and Transparency Committee meeting please reconvene. It is 5:55 p.m. Members, we have just completed our executive session meeting on Resolution 25-46, and at this time, I'm going to refer to Mr. Hanano to please provide us a summary in accordance with Act 19 (2023).

MR. HANANO: Thank you, Chair. Your GREAT Committee met in executive session to discuss settlement efforts, strengths and weaknesses of the case, as well as rights and liabilities of the County. We also discussed some matters that should be in open session, and those were basically a historical background of related State cases, and Statewide issues regarding the subject, seabirds, and relevant efforts leading up to this case. There was also a discussion about the lighting issues, birds, and bird fallout, which we will be putting on the record. Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you. Members, any other questions that we have in open session that you need asked? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a clarification from Mr. Hanano.

CHAIR U‘U-HODGINS: Um-hum.

COUNCILMEMBER RAWLINS-FERNANDEZ: When he said those things will be put on the record, is that including the history of cases that he said should have been in open session?

CHAIR U‘U-HODGINS: I will let him answer that. Please do.

MR. HANANO: Yes, that's correct, Member Rawlins-Fernandez. We will be going through the slides and determining which ones should be part of the open record, and put them in the...putting those on the record. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Excellent. Mahalo for doing that work. I support that.

CHAIR U‘U-HODGINS: Thank you, Member Rawlins-Fernandez. At this time, I would like to entertain a motion to recommend adoption of Resolution 25-46, including any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

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

**February 18, 2025**

---

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

COUNCILMEMBERS: Aye.

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

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

**NOES:       None.**

**ABSTAIN:   None.**

**EXC.:       Councilmembers Lee and Sinenci.**

**MOTION CARRIED.**

**ACTION:     Recommending ADOPTION of Resolution 25-46.**

CHAIR U‘U-HODGINS: Thank you. Thank you very much. This item will move onto full Council for its consideration. Thank you so much, Members, for your time and indulgence in this late meeting. This concludes the Government Relations, Ethics, and Transparency Committee meeting. Thank you very much again, Members. It is 5:58, and this meeting is adjourned. . . .*(gavel)*. . .

**ADJOURN:   5:58 p.m.**

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

**February 18, 2025**

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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 39 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 25th day of March 2025, in Wailuku, Hawai'i



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Logan Tsuji