



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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

Committee Chair  
Nohelani U'u-Hodgins

Committee Vice-Chair  
Tamara Paltin

Voting Members:  
Tom Cook  
Gabe Johnson  
Tasha Kama  
Alice L. Lee  
Keani N.W.  
Rawlins-Fernandez  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE (2023-2025)

**Tuesday, March 7, 2023**

**1:30 p.m.**

MEETING SITE:

Online via BlueJeans:

<https://bluejeans.com/513107325>

Phone testimony: 1-408-915-6290, code 513 107 325  
In-person testimony and viewing: Council Chamber, Kalana O  
Maui Building, 8th Floor, 200 South High Street, Wailuku,  
Hawaii

## AGENDA

### LITIGATION MATTERS (RESOLUTION 23-34, RELATING TO SPECIAL COUNSEL AUTHORIZATION: NEGOTIATING AN AMENDMENT TO THE ENERGY PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC.) (GREAT-11(5))

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

1. Resolution 23-34, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO THE ENERGY PERFORMANCE CONTRACT." Resolution 23-34's purpose is to authorize the retention of legal counsel qualified to negotiate an amendment to the energy performance contract between the County of Maui and Johnson Controls, Inc.
2. Correspondence dated February 6, 2023, from County Clerk, transmitting a letter from Department of the Corporation Counsel, dated January 18, 2023.

**Status:** The Committee may consider whether to recommend adoption of Resolution 23-34, with or without revisions. The Committee may also consider the filing of Resolution 23-34 and other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised

**MORE →**

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.

[Resolution 23-34](#)

[Correspondence from Corporation Counsel 1-18-2023](#)

**LITIGATION MATTERS (RESOLUTION 23-81, RELATING TO SETTLEMENT AUTHORIZATION: CHRISTINE LACHANCE V. COUNTY OF MAUI; CIVIL 17-1-0428(1)) (GREAT-11(7))**

**Description:** The Committee is in receipt of correspondence dated January 30, 2023, from the Department of the Corporation Counsel, transmitting Resolution 23-81, entitled “AUTHORIZING SETTLEMENT OF CHRISTINE M. LACHANCE V. COUNTY OF MAUI, CIVIL 17-1-0428(1),” and a copy of the claim. Resolution 23-81’s purpose is to authorize settlement of the claim, filed on October 5, 2017. The claim alleges personal injury that occurred while the claimant was jogging and struck the base of a signpost that was protruding 3.5 inches out of the middle of the sidewalk near the intersection of South Kīhei Road and Auhana Road, Kīhei, Maui, Hawai‘i, on July 30, 2016.

**Status:** The Committee may consider whether to recommend adoption of Resolution 23-81, with or without revisions. The Committee may also consider the filing of Resolution 23-81 and other related action.

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

[Resolution 23-81](#)

**LITIGATION MATTERS (RESOLUTION 23-83, RELATING TO SETTLEMENT AUTHORIZATION: GEOFFREY WITTMER, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 19-1-0198(1)) (GREAT-11(9))**

**Description:** The Committee is in receipt of correspondence dated February 14, 2023, from the Department of the Corporation Counsel, transmitting Resolution 23-83, entitled “AUTHORIZING SETTLEMENT OF GEOFFREY E. WITTMER, ET AL. v. COUNTY OF MAUI, ET AL., CIVIL 19-1-0198(1),” and a copy of the claim. Resolution 23-83’s purpose is to authorize settlement of the claim, filed on April 9, 2020. The claim alleges negligence by the County while Eric G. Wittmer was in custody on or about June 12, 2017, resulting in Mr. Wittmer’s death.

**Status:** The Committee may consider whether to recommend adoption of Resolution 23-83, with or without revisions. The Committee may also consider the filing of Resolution 23-83 and other related action.

**MORE →**

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

[Resolution 23-83](#)

**LITIGATION MATTERS (RESOLUTION 23-84, RELATING TO SETTLEMENT AUTHORIZATION: ASHLEY HOOKS V. COUNTY OF MAUI, ET AL.; CIVIL 2CCV-21-000034(2)) (GREAT-11(11))**

**Description:** The Committee is in receipt of correspondence dated February 15, 2023, from the Department of the Corporation Counsel, transmitting Resolution 23-84, entitled “AUTHORIZING SETTLEMENT OF ASHLEY HOOKS VS. COUNTY OF MAUI, ET AL., CIVIL NO.: 2CCV-21-000034(2),” and a copy of the claim. Resolution 23-84’s purpose is to authorize settlement of the claim, filed on February 5, 2021. The claim alleges a violation of the Hawai’i Whistle-Blower Protection Statute and unlawful termination.

**Status:** The Committee may consider whether to recommend adoption of Resolution 23-84, with or without revisions. The Committee may also consider the filing of Resolution 23-84 and other related action.

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

[Resolution 23-84](#)

CONTACT INFORMATION

Office of Council Services, 200 South High Street, Wailuku, Hawaii 96793  
Tel: (808) 270-7838

COMMITTEE STAFF

Kasie Apo Takayama, Ana Lillis, Pauline Martins, and Richard E. Mitchell

BOARD PACKETS

Board Packets, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

CONNECTIVITY

This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS.

If BlueJeans connectivity affecting quorum is lost, the Committee will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the BlueJeans connection is prematurely terminated, for whatever reason, please log back into the same link.

If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., using the same virtual connections, unless the Committee announces a different date and time.

OFFICIAL LOCATIONS AND TESTIMONY

Video testimony via BlueJeans link: <https://bluejeans.com/513107325>

Oral testimony via phone by dialing: 1-408-915-6290 and entering meeting code 513 107 325

In-person testimony and viewing: Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawaii

If audiovisual connection is lost at the official location for in-person testimony and viewing, the committee will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., at the same official location for in-person testimony and viewing, unless the Committee announces a different date, time, and location.

If a meeting participant wishes to testify anonymously, they should log in to the meeting with an appropriate anonymous name and state their wish to be anonymous in the meeting chat. If a testifier connects to the meeting by phone, the Chair will call the last four digits of the testifiers phone number.

The Chair may mute or remove testifiers from the meeting who violate the Council's Standards of Decorum.

Written testimony will be accepted via eComment. Search for the meeting date on mauicounty.us/agendas, click on the eComment link, then select the agenda item to submit comments on.

For more information on testifying, please visit [www.mauicounty.us](http://www.mauicounty.us) or contact the Office of Council Services.

COURTESY TESTIMONY SITES - COUNCIL RESIDENCY AREA OFFICES

South Maui MEDB Building 1305 North Holopono, Suite 9, Kihei (808) 793-0012	Lāna'i Lāna'i District Office 814 Fraser Avenue, Lāna'i City (808) 565-7094	West Maui Old Lahaina Center 845 Wainee Street, Suite 205, Lahaina (808) 856-0123
Molokai Molokai District Complex 100 Ainoa Street, Kaunakakai (808) 553-3888	East Maui Hāna Cultural Center & Museum 4974 Uakea Road, Hāna (808) 248-7513	Makawao-Ha'ikū-Pā'ia Heritage Hall 401 Baldwin Avenue, Suite 102, Pā'ia (808) 793-0099

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from there.

Subject to change and staffing availability without notice. Visit [mauicounty.us](http://mauicounty.us) for more information.

**COURTESY LIVE CABLECAST AND WEBCAST VIEWING**

Akaku: Maui Community Media, Channel 53.

[mauicounty.us/agendas](http://mauicounty.us/agendas) to access meeting videos

Subject to change without notice. Visit [mauicounty.us](http://mauicounty.us) for more information.

If Akaku prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will be sent to Akaku to be included with archived meeting videos.

**DISABILITY ACCESS**

Anyone requesting an auxiliary aid or service or an accommodation due to a disability should contact the Office of Council Services at least three working days prior to the meeting date at (808) 270-7838 or [county.council@mauicounty.us](mailto:county.council@mauicounty.us).

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Agenda items are subject to cancellation.