

Reconvened from 03/21/2023 at 1:30 p.m.



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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)

Thursday, March 30, 2023

9:00 a.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

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 23-98, MAUI COUNTY CULTURAL RESOURCES COMMISSION) (GREAT-2(9))

Description: The Committee is in receipt of Resolution 23-98, entitled "NOMINATING AND APPROVING THE APPOINTMENT OF KE'EAUMOKU KAPU TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION." Resolution 23-98's purpose is to nominate and approve or disapprove Councilmember Tamara Paltin's nomination of Ke'eaumoku Kapu to the Maui County Cultural Resources Commission for a term expiring March 31, 2024, to fill a vacancy due to the resignation of Daniel Kanahele.

Status: The Council must approve or disapprove the nomination by March 26, 2023, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of Resolution 23-98, with or without revisions. The Committee may also consider filing Resolution 23-98 and other related action.

[Resolution 23-98](#)

MORE →

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 23-93, LIQUOR CONTROL ADJUDICATION BOARD) (GREAT-2(7))

Description: The Committee is in receipt of the following:

1. Resolution 23-93, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI." Resolution 23-93's purpose is to approve or disapprove the Mayor's nomination of Gary Yoshio Murai (Reappointment) to the Liquor Control Adjudication Board for a term expiring March 31, 2028.
2. Correspondence dated and received on February 24, 2023, from the Mayor, transmitting a completed application form for the nominee.

Status: The Council must approve or disapprove the nomination by April 25, 2023, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of Resolution 23-93, with or without revisions. The Committee may also consider filing Resolution 23-93 and other related action.

[Resolution 23-93](#)

[Correspondence from Mayor 02-24-2023](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 23-101, LIQUOR CONTROL ADJUDICATION BOARD) (GREAT-2(10))

Description: The Committee is in receipt of the following:

1. Resolution 23-101, entitled "RELATING TO THE APPOINTMENT OF DUSTIN HAROLD PŌMAIKA'ILANI KALEIOPU TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI." Resolution 23-101's purpose is to approve or disapprove the Mayor's nomination of Dustin Harold Pōmaika'ilani Kaleiopu to the Liquor Control Adjudication Board for a term expiring March 31, 2025, to fill a vacancy replacing Shane Dudoit.
2. Correspondence dated and received on March 1, 2023, from the Mayor, transmitting a completed application form for the nominee.

Status: The Council must approve or disapprove the nomination by April 30, 2023, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of Resolution 23-101, with or without revisions. The Committee may also consider filing Resolution 23-101 and other related action.

[Resolution 23-101](#)

[Correspondence from Mayor 03-01-2023](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (RESOLUTION 23-102, AFFIRMATIVE ACTION ADVISORY COUNCIL) (GREAT-2(11))

Description: The Committee is in receipt of the following:

1. Resolution 23-102, entitled "RELATING TO THE APPOINTMENT OF BRIAN ANTHONY BILBERRY TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI." Resolution 23-102's purpose is to approve or disapprove the Mayor's nomination of Brian Anthony Bilberry to the Affirmative Action Advisory Council for a term expiring March 31, 2025, to fill a vacancy replacing Ipo Mossman.
2. Correspondence dated and received on March 1, 2023, from the Mayor, transmitting a completed application form for the nominee.

Status: The Council must approve or disapprove the nomination by April 30, 2023, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of Resolution 23-102, with or without revisions. The Committee may also consider filing Resolution 23-102 and other related action.

[Resolution 23-102](#)

[Correspondence from Mayor 03-01-2023](#)

LITIGATION MATTERS (RESOLUTION 23-107, RELATING TO SETTLEMENT AUTHORIZATION: KAREN GOO, ET AL. V. MAYOR ALAN ARAKAWA, ET AL.; CIVIL CAAP-17-0000858) (GREAT-11(20))

Description: The Committee is in receipt of the following:

1. Resolution 23-107, entitled "AUTHORIZING SETTLEMENT OF KAREN GOO, ET AL. v. MAYOR ALAN ARAKAWA, ET AL., CIVIL CAAP-17-0000858," and a copy of the claim. Resolution 23-107's purpose is to authorize settlement of the claim, filed on December 2, 2017. The claim seeks to appeal the Order granting Defendants VP&PK (ML) LLC, KCOM CORP. AND NEW SAND HILLS LLC's Motion to Vacate (1) Order Granting Plaintiffs' Motion for Partial Summary Judgment Entered on December 31, 2008, (2) Final Judgment Entered on January 12, 2009, (3) Final Judgment Entered on April 3, 2009, and (4) Final Judgment Filed on September 30, 2009, and Final Judgment Filed on November 24, 2017.
2. Correspondence dated March 9, 2023, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-107, with or without revisions. The Committee may also consider the filing of Resolution 23-107 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), Hawai'i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-107](#)

[Correspondence from Corporation Counsel 03-09-2023](#)

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 the following:

1. 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.
2. Correspondence dated February 14, 2023, from the Department of the Corporation Counsel, with a copy of the claim.

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.

Note: With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai‘i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-83](#)

[Correspondence from Corporation Counsel 02-14-2023](#)

LITIGATION MATTERS (RESOLUTION 23-32, RELATING TO SETTLEMENT AUTHORIZATION: GREGORY CROWTON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-16-00279) (GREAT-11(3))

Description: The Committee is in receipt of the following:

1. Resolution 23-32, entitled "AUTHORIZING SETTLEMENT OF GREGORY CROWTON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-00279." Resolution 23-32's purpose is to authorize settlement of the claim, filed on January 23, 2016. The Workers' Compensation Claim alleges work related injuries sustained on January 11, 2016.
2. Correspondence dated December 22, 2022, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-32, with or without revisions. The Committee may also consider the filing of Resolution 23-32 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), Hawai'i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-32](#)

[Correspondence from Corporation Counsel 12-22-2022](#)

LITIGATION MATTERS (RESOLUTION 23-33, RELATING TO SETTLEMENT AUTHORIZATION: RHONDA HAMASAKI; CLAIM 4077629) (PROPERTY DAMAGE) (GREAT-11(4))

Description: The Committee is in receipt of the following:

1. Resolution 23-33, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4077629 OF RHONDA HAMASAKI.” Resolution 23-33’s purpose is to authorize settlement of the claim, filed on June 29, 2022, in the amount of \$62,139.16. The claim alleges damages to the claimant’s property located at 1582 Mill Street, Wailuku, Maui, Hawai‘i, resulting from a water main break.
2. Correspondence dated December 21, 2022, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-33, with or without revisions. The Committee may also consider the filing of Resolution 23-33 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), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai‘i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-33](#)

[Correspondence from Corporation Counsel 12-21-2022](#)

LITIGATION MATTERS (RESOLUTION 23-85, RELATING TO SETTLEMENT AUTHORIZATION: PAUL CLEVELAND; CLAIM 4070761) (PROPERTY DAMAGE) (GREAT-11(12))

Description: The Committee is in receipt of the following:

1. Resolution 23-85, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4070761 OF PAUL CLEVELAND.” Resolution 23-85’s purpose is to authorize settlement of the claim, filed on May 25, 2021, in the amount of \$13,593.87. The claim alleges damages to the claimant’s property located at 404 Auhana Road, Kihei, Maui, Hawai‘i, resulting from a water main break.
2. Correspondence dated February 3, 2023, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-85, with or without revisions. The Committee may also consider the filing of Resolution 23-85 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), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai‘i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-85](#)

[Correspondence from Corporation Counsel 02-03-2023](#)

LITIGATION MATTERS (RESOLUTION 23-86, RELATING TO SETTLEMENT AUTHORIZATION: PEDRO ORTEGA; CLAIM 4072926) (PROPERTY DAMAGE) (GREAT-11(13))

Description: The Committee is in receipt of the following:

1. Resolution 23-86, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4072926 OF PEDRO ORTEGA.” Resolution 23-86’s purpose is to authorize settlement of the claim, filed on October 15, 2021, in the amount of \$43,952.29. The claim alleges damages to the claimant’s property located at 2068 Kahekili Highway, Wailuku, Maui, Hawai‘i, resulting from a water main break.
2. Correspondence dated February 3, 2023, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-86, with or without revisions. The Committee may also consider the filing of Resolution 23-86 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), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai‘i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-86](#)

[Correspondence from Corporation Counsel 02-03-2023](#)

LITIGATION MATTERS (RESOLUTION 23-87, RELATING TO SETTLEMENT AUTHORIZATION: HAWAIIAN ELECTRIC COMPANY; CLAIM 4080380) (PROPERTY DAMAGE) (GREAT-11(15))

Description: The Committee is in receipt of the following:

1. Resolution 23-87, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4080380 OF HAWAIIAN ELECTRIC COMPANY." Resolution 23-87's purpose is to authorize settlement of the claim, filed on January 13, 2021, in the amount of \$10,309.94. The claim alleges damages to utility pole 25 fronting at 287 Baldwin Avenue, Pā'ia, Maui, Hawai'i.
2. Correspondence dated February 3, 2023, from the Department of the Corporation Counsel, with a copy of the claim.

Status: The Committee may consider whether to recommend adoption of Resolution 23-87, with or without revisions. The Committee may also consider the filing of Resolution 23-87 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), Hawai'i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision on a matter that requires the consideration of information that must be kept confidential in accordance with State or Federal law, or a court order.

[Resolution 23-87](#)

[Correspondence from Corporation Counsel 02-03-2023](#)

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 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 for more information.

COURTESY LIVE CABLECAST AND WEBCAST VIEWING

Akaku: Maui Community Media, Channel 53.

mauicounty.us/agendas to access meeting videos

Subject to change without notice. Visit 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.

Agenda items are subject to cancellation.