



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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

Committee Chair  
Michael J. Molina

Committee  
Vice-Chair  
Keani N.W.  
Rawlins-Fernandez

Voting Members:  
Riki Hokama  
Tasha Kama  
Kelly T. King  
Alice L. Lee  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

**Thursday, March 21, 2019**

**9:00 a.m.**

MEETING SITE:

Council Chamber  
Kalana O Maui Building, 8th Floor  
200 South High Street  
Wailuku, Hawaii

## **A G E N D A**

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (KULA AGRICULTURAL PARK COMMITTEE, MAUI REDEVELOPMENT AGENCY, URBAN DESIGN REVIEW BOARD) (GET-2(1))**

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

1. Correspondence dated January 28, 2019 (received on January 29, 2019), from the Acting Mayor, transmitting the following:
  - a. A proposed resolution to approve or disapprove the nomination of Isla Young to the Kula Agricultural Park Committee for a term beginning on April 1, 2019, and expiring on March 31, 2024, with a completed application for the nominee.
  - b. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE MAUI REDEVELOPMENT AGENCY," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Jo-Ann Ridao (Reappoint) to the Maui Redevelopment Agency for a term beginning on April 1, 2019, and expiring on March 31, 2024.
  - c. A proposed resolution to approve or disapprove the nominations of Peter Niess (Architect) and Darren Okimoto (Civil Engineer) for terms beginning on April 1, 2019, and expiring on March 31, 2024, with completed applications for the nominees.
2. Correspondence dated and received on February 7, 2019, from the Acting Mayor, transmitting a revised proposed resolution, entitled

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“APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI,” identifying Isla Young for a General Public seat on the Kula Agricultural Park Committee.

3. Correspondence dated and received on March 5, 2019, from the Mayor, transmitting a revised proposed resolution, entitled “APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI,” correcting Darren Okimoto’s term to expire on March 31, 2023.

**Status:** There is no time limitation for Council approval or disapproval of the nominations. The Committee may consider whether to recommend adoption of the proposed resolution noted in paragraph 1(b) above, and the revised proposed resolutions noted in paragraphs 2 and 3 above, with or without further revisions. The Committee may also consider other related action.

[Correspondence from Acting Mayor 01-28-2019](#)

[Correspondence from Acting Mayor 02-07-2019](#)

[Correspondence from Mayor 03-05-2019](#)

## **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MOLOKAI PLANNING COMMISSION) (GET-2(4))**

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

1. Correspondence dated March 11, 2019, from Council Vice-Chair Keani Rawlins-Fernandez, transmitting a proposed resolution to approve or disapprove the Council’s nomination of Lori Buchanan to the Molokai Planning Commission, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Jaylene Nuesca.
2. Correspondence dated March 13, 2019, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “NOMINATING AND APPROVING THE APPOINTMENT OF LORI BUCHANAN TO THE MOLOKAI PLANNING COMMISSION.” The purpose of the revised proposed resolution is to approve or disapprove the Council’s nomination of Lori Buchanan to the Molokai Planning Commission, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Jaylene Nuesca.
3. Correspondence dated March 15, 2019, from Council Vice-Chair Keani Rawlins-Fernandez, transmitting a completed application form for Lori Buchanan, nominee to the Molokai Planning Commission.

**Status:** The Council must approve or disapprove the Council’s nomination of Lori Buchanan to the Molokai Planning Commission by April 3, 2019, or the vacancy will be returned to the Mayor for consideration and action. The Committee may consider whether to recommend adoption of the revised proposed resolution noted in paragraph 2, with or without further revisions. The Committee may also consider other related action.

[Correspondence from Council Vice-Chair Rawlins-Fernandez 03-11-2019](#)

[Correspondence from Corporation Counsel 03-13-2019](#)

[Correspondence from Councilmember Rawlins-Fernandez 03-15-2019](#)

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:  
AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER  
INTO INTERGOVERNMENTAL AGREEMENTS AND APPROVE A  
GROUNDS MANAGEMENT AND MAINTENANCE PLAN RELATING  
TO THE MAUI VETERANS CEMETERY IN MAKAWAO; CIVIL  
15-1-0209(2)) (GET-11(25))**

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

1. Bill 96 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION TO SET FORTH GUIDELINES TO MAINTAIN THE MAUI VETERANS CEMETERY AT 'SHRINE STATUS,'" with written testimony. The purpose of Bill 96 (2017) is to authorize the Mayor to enter into an intergovernmental agreement with the entities noted in the form of the Memorandum of Agreement attached thereto as Exhibit "1," to set forth guidelines to maintain the Maui Veterans Cemetery in Makawao, Maui, Hawaii, at "Shrine Status."
2. Correspondence dated March 5, 2019, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO (1) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION TO SET FORTH GUIDELINES TO MAINTAIN THE MAUI VETERANS CEMETERY AT "SHRINE STATUS"; (2) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, OFFICE OF VETERANS SERVICES SETTING FORTH THE MAINTENANCE OF THE MAUI VETERANS CEMETERY TO "SHRINE STATUS"; AND (3) APPROVAL OF THE "MAUI VETERANS CEMETERY GROUNDS MAINTENANCE AND MANAGEMENT PLAN - STANDARD

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OPERATING PROCEDURES” TO MAINTAIN THE CEMETERY AT “SHRINE STATUS.” The purpose of the revised proposed bill is to authorize the Mayor to enter into intergovernmental agreements with the entities noted in the form of the memoranda attached thereto as Exhibits “1” and “2” and to approve the grounds management and maintenance plan to maintain the Maui Veterans Cemetery in Makawao, Maui, Hawaii, at “Shrine Status.”

**Status:** The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of Bill 96 (2017) and other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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.

[Bill 96 \(2017\)](#)

[Correspondence from Corp Counsel 03-05-2019](#)

## **LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)) (GET-11(2))**

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

1. Correspondence dated January 9, 2015, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 13-1-0848(2), and transmitting a copy of the First Amended Complaint filed on August 28, 2014.
2. Correspondence dated August 22, 2016, from the Department of the Corporation Counsel, transmitting a copy of the Second Amended Complaint, filed on August 12, 2016. The Second Amended Complaint alleges violations of the Due Process and Equal Protection Clauses of the United States and Hawaii Constitutions, and violations of Chapter 92, Part I, Hawaii Revised Statutes, known as the “Sunshine Law,” in the establishment of the timeshare classification and determination of the timeshare real property tax rates for the County for Fiscal Years 2014 and 2015, and amended assessments issued for tax years 2006, 2007, and 2008.
3. Correspondence dated October 11, 2018, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case and transmitting a proposed resolution entitled “AUTHORIZING SETTLEMENT OF OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI,

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ET AL., CIVIL NO. 13-1-0848(2)."

**Status:** The Committee may receive a status update on the case. The Committee may also consider the filing of the correspondence and other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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.

[Correspondence from Corporation Counsel 01-09-2015](#)

[Correspondence from Corporation Counsel 08-22-2016](#)

[Correspondence from Corporation Counsel 10-11-2018](#)

## **PRE-BUDGET SESSION PRESENTATION (DEPARTMENT OF FIRE AND PUBLIC SAFETY) (GET-18(4))**

**Description:** Pursuant to Rule 7(B) of the Rules of the Council, the Committee intends to receive a presentation from the Department of Fire and Public Safety on the roles and responsibilities of the Department's programs (Administration/Maintenance, Training, Fire/Rescue Operations, Fire Prevention, and Ocean Safety). The presentation will include a snapshot of the Department's budgetary requests for Fiscal Year 2020, to include vacancies, proposed equipment purchases, and priority capital improvement projects.

**Status:** The Committee may receive a presentation from the Department of Fire and Public Safety and discuss related matters. No legislative action will be taken.

## **PRE-BUDGET SESSION PRESENTATION (DEPARTMENT OF THE CORPORATION COUNSEL) (GET-18(3))**

**Description:** Pursuant to Rule 7(B) of the Rules of the Council, the Committee intends to receive a presentation from the Department of the Corporation Counsel on the roles and responsibilities of the Department's divisions (Counseling and Drafting, Litigation, Risk Management, and Administrative Management and Clerical Services). The presentation will include a snapshot of the Department's budgetary requests for Fiscal Year 2020, to include vacancies and proposed equipment purchases.

**Status:** The Committee may receive a presentation from the Department of the Corporation Counsel and discuss related matters. No legislative action will be taken.

## **PRE-BUDGET SESSION PRESENTATION (DEPARTMENT OF THE PROSECUTING ATTORNEY) (GET-18(6))**

**Description:** Pursuant to Rule 7(B) of the Rules of the Council, the Committee intends to

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receive a presentation from the Department of the Prosecuting Attorney on the roles and responsibilities of the Department's Administration Program and General Prosecution Program. The presentation will include a snapshot of the Department's budgetary requests for Fiscal Year 2020, to include vacancies, proposed equipment purchases, and priority capital improvement projects.

**Status:** The Committee may receive a presentation from the Department of the Prosecuting Attorney and discuss related matters. No legislative action will be taken.

#### REMOTE TESTIMONY SITES

Hana	Lanai	Molokai
Council District Office	Council District Office	Council District Office
Hana Community Center	Lanai Community Center	100 Ainoa Street
5091 Uakea Road	8th Street	Kaunakakai, Hawaii
Hana, Hawaii	Lanai City, Hawaii	

#### CONTACT INFORMATION

Office of Council Services	(808) 270-7838 (phone)	(808) 270-7686 (fax)
200 South High Street	(800) 272-0098 (toll-free from Lanai)	
Wailuku, Hawaii 96793	(800) 272-0026 (toll-free from Molokai)	

#### COMMITTEE STAFF

Shelly Espeleta and Pauline Martins

#### BOARD PACKETS

Board packets, as defined in Section 92-7.5 of the Hawaii Revised Statutes, are available for inspection at the Office of Council Services. Board packets are also available electronically as soon as practicable upon request.

#### TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. For more information on testifying please visit [www.MauiCounty.us/how-to-testify](http://www.MauiCounty.us/how-to-testify) or contact the Office of Council Services. If written testimony is submitted at the meeting site, 16 copies are requested. Email testimony to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us).

#### DISABILITY ACCESS

People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.

#### LIVE CABLECAST

Available on Akaku: Maui Community Media, Channel 53.

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Agenda items are subject to cancellation.