



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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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

Friday, June 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 (COUNCIL ON AGING) (GET-2(16))

Description: The Committee is in receipt of correspondence dated May 8, 2019 (received on May 9, 2019), from the Mayor, transmitting a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF LEONARDO SEQUEIRA TO THE COUNCIL ON AGING," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Leonardo Sequeira to the Council on Aging, for a term expiring on March 31, 2021, to fill a vacancy due to the resignation of Walter James O'Brien.

Status: The Council must approve or disapprove the nomination by July 8, 2019, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

[Correspondence from Mayor 05-08-2019](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LIQUOR CONTROL COMMISSION) (GET-2(17))

Description: The Committee is in receipt of correspondence dated May 8, 2019 (received on May 9, 2019), from the Mayor, transmitting a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF PEDRO

MORE →

VENENCIANO TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI,” with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nomination of Pedro Venenciano (Molokai) to the Liquor Control Commission, for a term expiring on March 31, 2020, to fill a vacancy due to the resignation of Dawn Bicoy Stephenson.

Status: The Council must approve or disapprove the nomination by July 8, 2019, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

[Correspondence from Mayor 05-08-2019](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF VARIANCES AND APPEALS) (GET-2(18))

Description: The Committee is in receipt of correspondence dated and received on May 15, 2019, from the Mayor, transmitting a proposed resolution, entitled “RELATING TO THE APPOINTMENT OF STEPHEN WEST TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI,” with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nomination of Stephen West to the Board of Variances and Appeals, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Sandra Duvauchelle.

Status: The Council must approve or disapprove the nomination by July 14, 2019, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

[Correspondence from Mayor 05-15-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. RICK MARKHAM, ET AL.; CIVIL 17-1-0393(2)) GET-11(10)

Description: The Committee is in receipt of the following:

1. Correspondence dated May 24, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of County of Maui v. Rick Markham, et al., Civil 17-1-0393(2). The complaint seeks declaratory and injunctive relief related to alleged violations of the Building Code, then Section 16.26.106, Maui County Code, for the construction of an unpermitted dwelling and deck at real property identified as tax map key (2) 2-6-008:001, located at 343 Hana Highway, Paia, Hawaii.
2. Correspondence dated May 28, 2019, from the Department of the

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Corporation Counsel, requesting consideration of a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI vs. RICK MARKHAM, ET AL., CIVIL NO. 17-1-0393(2)," and transmitting a copy of the complaint. The revised proposed resolution incorporates nonsubstantive revisions.

Status: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. 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 05-24-2019](#)

[Correspondence from Corporation Counsel 05-28-2019](#)

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 June 14, 2019, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING PARTIAL SETTLEMENT OF OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI ET AL., SCAP NO. 180000578." The purpose of the proposed resolution is to authorize partial settlement of the case.

Status: The Committee may consider whether to recommend adoption of the

MORE →

resolution, with or without revisions. 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 06-14-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LOUIS CAMBRA V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-16-00151) (GET-11(8))

Description: The Committee is in receipt of correspondence dated March 22, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LOUIS CAMBRA V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-00151." The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the workers' compensation claim. The claim alleges work-related injuries sustained by Louis Cambra on December 29, 2015.

Status: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. 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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

[Correspondence from Corporation Counsel 03-22-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ON BEHALF OF ITS INSURED, REGINALD BALIDOY; CLAIM 30180603955-0001) (GET-11(4))

Description: The Committee is in receipt of correspondence dated February 12, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF

MORE →

CLAIM NO. 30180603955-0001 OF STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AS SUBROGEE OF REGINALD BALIDOY," and transmitting a copy of the claim dated July 12, 2018, and documents in support of the claim. The purpose of the proposed resolution is to authorize settlement of the claim for \$9,779.40. The claim alleges damages to Reginald Balido's vehicle resulting from sulfuric acid being discharged from an exhaust fan at the Department of Environmental Management's Wastewater Reclamation Facility lab building in Kihei, Maui, Hawaii, on March 27, 2018.

Status: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. 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 02-12-2019](#)

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 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.

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.

Agenda items are subject to cancellation.