



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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Committee Chair
Michael J. Molina

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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

Monday, November 4, 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

LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: RETENTION OF THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII, AS SPECIAL COUNSEL TO MAUI COUNTY BOARD OF ETHICS; COMPLAINT 19-05) (GET-11(27))

Description: The Committee is in receipt of County Communication 19-397, from the Chair, Board of Ethics, and the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FROM THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII TO ADVISE THE MAUI COUNTY BOARD OF ETHICS IN THE MATTER OF COMPLAINT NO. 19-05 ALLEGING VIOLATIONS OF THE MAUI COUNTY CODE OF ETHICS, BY OFFICER AND EMPLOYEES OF THE COUNTY OF MAUI." The purpose of the proposed resolution is to authorize the retention of a Deputy Corporation Counsel from the Office of the Corporation Counsel, County of Hawaii, to serve as special counsel to advise the Maui County Board of Ethics on matters related to Complaint 19-05, to avoid potential conflicts of interest, consistent with Rules 1.7 and 1.11 of the Hawaii Rules of Professional Conduct.

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 County Communication 19-397 and other related action.

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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.

[County Communication 19-397](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 486-2018-00541) (GET-11(23))

Description: The Committee is in receipt of correspondence dated August 28, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 486-2018-00541." The purpose of the proposed resolution is to authorize settlement of the case.

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 08-28-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ROBERT G. STRAUB V. COUNTY OF MAUI AND TEENA RASMUSSEN, USDC, CIVIL 17-00516 JMS-RLP) (GET-11(29))

Description: The Committee is in receipt of the following:

1. Correspondence dated October 16, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Robert G. Straub v. County of Maui and Teena Rasmussen, USDC, Civil 17-00516 JMS-RLP, and

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transmitting a copy of the First Amended Complaint. The First Amended Complaint alleges Family Medical Leave Act (“FMLA”) interference, FMLA retaliation, Americans with Disabilities Act association discrimination, and age discrimination against Plaintiff Robert G. Straub.

2. Correspondence dated October 29, 2019, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “AUTHORIZING SETTLEMENT OF ROBERT G. STRAUB v. COUNTY OF MAUI AND TEENA RASMUSSEN, USDC, CIVIL NO. 17 -00516 JMS-RLP.” The purpose of the revised proposed resolution is to authorize settlement of the case.

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; 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 10-16-2019](#)

[Correspondence from Corporation Counsel 10-29-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TIMOTHY C. GALBRAITH V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-11-00877) (GET-11(21))

Description: The Committee is in receipt of correspondence dated August 22, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF TIMOTHY C. GALBRAITH V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00877.” 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 Timothy C. Galbraith on May 2, 2011.

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

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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 08-22-2019](#)

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.