



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 Takaya King
Alice L. Lee
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Tuesday, February 4, 2020

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 (REAL PROPERTY TAX REVIEW BOARD) (GET-2(29))

Description: The Committee is in receipt of correspondence dated and received on January 6, 2020, from the Mayor, transmitting a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF RUSSELL JOHNSON TO THE REAL PROPERTY TAX REVIEW BOARD," along with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Russell Johnson to the Real Property Tax Review Board, for a term expiring on March 31, 2021, to fill a vacancy due to the resignation of Scott Innes.

Status: The Council must approve or disapprove the nomination by March 6, 2020, 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 01-06-2020](#)

PROPOSED CHARTER AMENDMENT (CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING, AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS) (GET-10(4))

Description: The Committee is in receipt of correspondence dated September 24,

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2019, from the Committee Chair, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS." The purpose of the proposed resolution is to place on the next General Election ballot, the question of whether Articles 6 and 8 of the Revised Charter of the County of Maui (1983), as amended, shall be amended, effective July 1, 2021, to require the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns.

Status: The Committee may consider whether to recommend passage of the proposed resolution, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Committee Chair 09-24-2019](#)

LITIGATION MATTERS (STATUS: 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 January 7, 2020, from the Department of the Corporation Counsel, requesting an opportunity to discuss ongoing settlement negotiations and status of the case.

Status: The Committee may discuss the matter. 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 01-07-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED

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**PERSON V. DEPARTMENT OF PARKS AND RECREATION, ET AL.;
CIVIL 18-1-0346(1)) GET-11(33)**

Description: The Committee is in receipt of correspondence dated January 8, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON VS. PARKS AND RECREATION DEPARTMENT, COUNTY OF MAUI, ET AL., CIVIL NO 18-1-0346(1)." The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges four counts related to negligence, premises liability, negligent infliction of emotional distress, and public nuisance, as a result of a large ironwood tree branch which fell and struck Mr. Hayato Makabe at Kanaha Beach Park, Kahului, Maui, Hawaii, on or about October 3, 2017.

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 01-08-2020](#)

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION:
CLIMATE CHANGE LITIGATION) (GET-11(30))**

Description: The Committee is in receipt of the following:

1. Correspondence dated November 5, 2019, from the Acting Mayor, transmitting a proposed resolution to authorize the employment of Sher Edling LLP as special counsel to represent the County in litigation involving fossil fuel companies and related entities.
2. Governance, Ethics, and Transparency Committee Report 20-5, recommending ADOPTION of a revised proposed resolution, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO CLIMATE CHANGE LITIGATION," which was recommitted by the Council at its meeting of January 24, 2020.

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, Committee Report 20-5, 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

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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 Mayor 11-05-2019](#)

[Committee Report 20-5 \(recommitted\)](#)

AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS (GET-40)

Description: The Committee is in receipt of the following:

1. County Communication 19-478, from the Mayor, transmitting a proposed bill relating to attendance requirements or appointed members at County board, commission, and committee meetings.
2. Correspondence dated January 28, 2020, from the Committee Chair, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS." The purpose of the revised proposed bill is to require: 1) administrative duties of the board, commission, or committee be handled by assigned departmental staff, and 2) a letter be sent by the Chairperson, to the Mayor, when a member has not attended 50 percent or more meetings in any six-month period, whether the absence is recorded and documented as excused or unexcused.

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 County Communication 19-478 and other related action.

[County Communication 19-478](#)

[Correspondence from Corporation Counsel 01-28-2020](#)

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.