



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/GET

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, July 7, 2020

9:00 a.m.

MEETING SITE:

Online Only

Phone testimony: 1-408-915-6290, meeting code 551 273 481

Video testimony: <https://bluejeans.com/551273481>

View live: Akaku, Channel 53 or mauicounty.us/agendas

*Subject to change without notice. Visit mauicounty.us for more information.

A G E N D A

HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM BMK, U.S. SUPREME COURT DOCKET 18-260 (GET-26)

Description: The Committee is in receipt of the following:

1. County Communication 19-178, from Council Chair Kelly T. King, transmitting a proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL." The purpose of the proposed resolution is to direct the Department of the Corporation Counsel, consistent with Section 3.16.020, Maui County Code, to transmit all settlement offers in Hawaii Wildlife Fund, et al. v. County of Maui, United States Supreme Court Docket 18-260, to the Council for approval or disapproval.
2. Correspondence dated June 30, 2020, from the Department of the Corporation Counsel, transmitting: 1) a summary of the United States Supreme Court decision on April 23, 2020, and instructions to apply the new multifactor test set forth in the Supreme Court's order; 2) a copy of the County's brief which details the factual information not yet in the record; the specific areas of expertise needed; and where more

MORE →

investigation, empirical observation, and scientific analysis and conclusions are required; and 3) attached Exhibits “A” through “E.”

Status: The Committee may receive a status update from the Department of the Corporation Counsel. The Committee may also consider the filing of County Communication 19-178 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), 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 19-178](#)

[Correspondence from Corporation Counsel 06-30-2020](#)

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 correspondence, dated June 19, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled “AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. RICK MARKHAM, ET AL., CIVIL NO. 17-1-0393(2).” The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges building code violations of Mr. Markham’s property located at 343 Hana Highway, Paia, Maui, Hawaii.

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 in accordance with 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 06-19-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: BACON UNIVERSAL CO., INC.; CLAIM 30192754170-0001 (GET-11(22))

Description: The Committee is in receipt of correspondence dated August 27, 2019, from the Department of the Corporation Counsel, transmitting a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 30192754170-0001 OF BACON UNIVERSAL CO., INC.,” with a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim in the amount of \$121,181.88. The claim alleges property damage to a dozer owned by Bacon Universal, Co., Inc. that was being rented by the County and used at the Central Maui Landfill on

MORE →

December 24, 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 in accordance with 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 08-27-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ALYSSA TOTH; CLAIM 30166871707-0003) (GET-11(31))

Description: The Committee is in receipt of correspondence dated November 8, 2019, from the Department of the Corporation Counsel, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30166871707-0003 OF ALYSSA TOTH," with a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges injuries Ms. Toth sustained and damages to her vehicle involving a Maui County fleet vehicle at the intersection of Kula Highway and Copp Road, Kula, Maui, Hawaii, on October 21, 2016.

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 in accordance with 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 11-08-2019](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: PERLITA CASINO; CLAIM 30193234263-0001) (GET-11(37))

Description: The Committee is in receipt of correspondence dated May 11, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NUMBER 30193234263-0001 OF PERLITA CASINO," with a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim in the amount of \$76,394.70. The claim alleges damages to Ms. Casino's property located at 237 West Papa Avenue, Kahului, Maui, Hawaii, on July 17, 2019.

Status: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also

MORE →

consider the filing of the correspondence 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), 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 05-11-2020](#)

CONTACT INFORMATION

Office of Council Services (808) 270-7838 (phone)
200 South High Street
Wailuku, Hawaii 96793

COMMITTEE STAFF

Shelly Espeleta, James Forrest, and Pauline Martins

BOARD PACKETS

The requirements of Chapter 92, HRS, have been suspended under Governor Ige's Supplementary Proclamation issued on April 25, 2020. While the Governor's proclamation is in effect, no failure to comply with Chapter 92, HRS, will invalidate a public agency's deliberations or actions taken.

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier will be allowed to speak for three minutes on each item.

Oral testimony via phone by dialing in to 1-408-915-6290 and entering meeting code 551 273 481

Video testimony via BlueJeans link <https://bluejeans.com/551273481>

Email written testimony to get.committee@mauicounty.us

For more information on testifying, please visit www.MauiCounty.us or contact the Office of Council Services.

LIVE CABLECAST

Available on Akaku: Maui Community Media, Channel 53 or mauicounty.us/agendas.

Agenda items are subject to cancellation.