



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

## GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

**Tuesday, September 8, 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](http://mauicounty.us/agendas)

\*Subject to change without notice. Visit [mauicounty.us](http://mauicounty.us) for more information.

## AGENDA

### CONSERVATION PLANNING COMMITTEE (GET-42)

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

1. County Communication 20-69, from Councilmember Michael J. Molina, relating to the Conservation Planning Committee.
2. Correspondence dated June 9, 2020, from Council Vice-Chair Keani Rawlins-Fernandez, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.82.040 AND 2.82.050, MAUI COUNTY CODE, RELATING TO CONSERVATION PLANNING COMMITTEE AND GREENPRINT." The purpose of the proposed bill is to amend Sections 2.82.040 and 2.82.050, Maui County Code ("MCC"), relating to the Conservation Planning Committee ("Committee") membership, by: (1) removing the need for a Managing Director representative; (2) requiring a representative from the sustainable science management program at the University of Hawaii, Maui College; (3) requiring a representative from 'Aha Moku or 'Aha Kiole; (4) requiring one representative each from East Maui, Molokai, and Lanai; (5) increasing the number of ex officio nonvoting members to seven; (6) decreasing the maximum number of staggered terms a representative is allowed to serve to three years; and (7) extending the deadline for the Committee to adopt and submit the Greenprint to the

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Council to December 31, 2022.

3. Correspondence dated August 3, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.82.040 AND 2.82.050, MAUI COUNTY CODE, RELATING TO THE CONSERVATION PLANNING COMMITTEE AND GREENPRINT.” The purpose of the revised proposed bill is to amend Sections 2.82.040 and 2.82.050, MCC, relating to the nine voting members on the Committee, by: (1) increasing the number of General Public representatives from two to three, with one representative each from Maui, Molokai, and Lanai; (2) removing the need for a Managing Director representative; and (3) extending the deadline for the Committee to adopt and submit the Greenprint to the Council to December 31, 2021.

**Status:** The Committee may consider whether to recommend passage of the proposed bill noted in paragraph two on first reading, with or without revisions, or whether to recommend passage of the revised proposed bill noted in paragraph three, with or without further revisions. The Committee may also consider the filing of County Communication 20-69 and other related action.

[County Communication 20-69](#)

[Correspondence from Council Vice-Chair 06-09-2020](#)

[Correspondence from Corporation Counsel 08-03-2020](#)

## **HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2021 HSAC LEGISLATIVE PACKAGE) (GET-3(2))**

**Description:** The Committee is in receipt of correspondence dated September 2, 2020, from Committee Chair Michael J. Molina, transmitting a revised proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY.” The purpose of the revised proposed resolution is to approve for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO SUNSHINE LAW BOARDS.” The purpose of the revised proposed State bill is to amend Section 92-3.5, Hawaii Revised Statutes, to: (1) expand and enhance public participation in public meetings, while protecting the health and safety of board members, staff, testifiers, observers, other participants, and the general public, by allowing boards to use interactive conference technology to conduct virtual meetings under the Sunshine Law; and (2) allow a meeting conducted by interactive conference technology to continue without the need to be adjourned when a technological failure occurs.

**Status:** The Committee may discuss consider whether to recommend adoption of

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the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Committee Chair 09-02-2020](#)

## **MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE (2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE) (GET-4(2))**

**Description:** The Committee is in receipt of correspondence dated September 2, 2020, from Committee Chair Michael J. Molina, transmitting a revised proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY.” The purpose of the revised proposed resolution is to approve for inclusion in the 2021 Maui County Council Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO SUNSHINE LAW BOARDS.” The purpose of the revised proposed State bill is to amend Section 92-3.5, Hawaii Revised Statutes, to: (1) expand and enhance public participation in public meetings, while protecting the health and safety of board members, staff, testifiers, observers, other participants, and the general public, by allowing boards to use interactive conference technology to conduct virtual meetings under the Sunshine Law; and (2) allow a meeting conducted by interactive conference technology to continue without the need to be adjourned when a technological failure occurs.

**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.

[Correspondence from Committee Chair 09-02-2020](#)

## **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED 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 August 31, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed resolution, entitled “AUTHORIZING SETTLEMENT OF NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON V. PARKS AND RECREATION DEPARTMENT, ET AL.; CIVIL 18-1-0346(1),” and a copy of the complaints. The purpose of the revised

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proposed resolution is to authorize settlement of the case. The claim alleges four counts related to negligence, premise liability, emotional distress, and public nuisance, as a result of a large ironwood tree branch which fell and struck Mr. Hayato Makabe on or about October 3, 2017, at Kanaha Beach Park, Kahului, Maui, Hawaii.

**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 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 08-31-2020](#)

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

Board Packets, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable under the current conditions.

TESTIMONY

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](mailto:get.committee@mauicounty.us)

For more information on testifying, please contact the Office of Council Services.

LIVE CABLECAST AND WEBCAST

Live meeting is available on Akaku: Maui Community Media, Channel 53.  
Or go to [mauicounty.us/agendas](http://mauicounty.us/agendas) to access live and archived meeting videos.

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Agenda items are subject to cancellation.