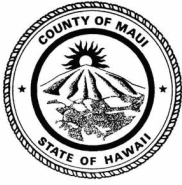


Reconvened from 12/01/2020 at 9:00 a.m.



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

Wednesday, December 9, 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

SOCIAL HOST LIABILITY REGULATIONS (GET-60)

Description: The Committee is in receipt of the following:

1. County Communication 20-432, from Councilmember Michael J. Molina, relating to social host liability regulations.
2. Correspondence dated November 25, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY." The purpose of the revised proposed bill is to establish a new Chapter 9.40, Maui County Code, relating to social host liability regulations that impose strict liability upon a responsible person who is found to have hosted a gathering where an underage person possesses or consumes an intoxicating substance.

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 20-432 and other related action.

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[County Communication 20-432](#)

[Correspondence from Corporation Counsel 11-25-2020](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (POLICE COMMISSION) (GET-2(47))

Description: The Committee is in receipt of the following:

1. Correspondence dated November 16, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF EMMETT RODRIGUES TO THE POLICE COMMISSION." The purpose of the revised proposed resolution is to approve the appointment of Emmett Rodrigues to the Police Commission, for a term expiring on March 31, 2023, due to the resignation of Roger Dixon.
2. Correspondence dated November 20, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF LEIL KOCH TO THE POLICE COMMISSION." The purpose of the revised proposed resolution is to approve the appointment of Leil Koch to the Police Commission, for a term expiring on March 31, 2023, due to the resignation of Roger Dixon.
3. Correspondence dated November 25, 2020, from Councilmember Yuki Lei K. Sugimura, transmitting a completed application form for Emmett Rodrigues, nominee to the Police Commission.
4. Correspondence dated November 25, 2020, from Councilmember Tamara Paltin, transmitting a completed application form for Leil Koch, nominee to the Police Commission.

Status: The Committee may consider whether to recommend adoption of the revised proposed resolution in paragraph one or two, with or without further revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Corporation Counsel 11-16-2020](#)

[Correspondence from Corporation Counsel 11-20-2020](#)

[Correspondence from Councilmember Sugimura 11-25-2020](#)

[Correspondence from Councilmember Paltin 11-25-2020](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF ETHICS) (GET-2(48))

Description: The Committee is in receipt of the following:

1. Correspondence dated November 20, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF ILIMA GREIG-HONG TO THE BOARD OF ETHICS." The purpose of the revised proposed resolution is to approve the appointment of Ilima

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Greig-Hong to the Board of Ethics, for a term expiring on March 31, 2021, due to the resignation of Travis Thompson.

2. Correspondence dated November 25, 2020, from Councilmember Tamara Paltin, transmitting a completed application form for Ilima Greig-Hong, nominee to the Board of Ethics.

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 Corporation Counsel 11-20-2020](#)

[Correspondence from Councilmember Paltin 11-25-2020](#)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES) (GET-2(50))

Description: The Committee is in receipt of correspondence dated November 24, 2020, and received on November 25, 2020, transmitting a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF BEVERLY STANICH TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Beverly Stanich to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2025, to fill a vacancy due to the resignation of Robert Carroll.

Status: The Council must approve or disapprove the nomination by January 24, 2021, 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 11-24-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MAUI ELECTRIC COMPANY, LIMITED; CLAIM 4067061) GET-11(45)

Description: The Committee is in receipt of correspondence dated November 17, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4067061 OF MAUI ELECTRIC COMPANY, LIMITED," and a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim in the amount of \$22,160.10. The claim alleges damages to, and replacement of, an electrical pole located at 4899 Lower Kula Road, Kula, Maui, Hawaii, resulting from a collision involving a Maui County fleet vehicle on November 6, 2018.

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

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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 11-17-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: AUTHORIZING SETTLEMENT OF MALUHIA MAUI SCOTT; CLAIM 4066910) GET-11(48)

Description: The Committee is in receipt of correspondence dated November 9, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4066910 BY MALUHIA MAUI SCOTT," and a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges excessive use of force, police misconduct, and civil rights violations against Maluhia Maui Scott from the use of a taser gun by the Department of Police, while located at Honokalani Road, Hana, Maui, Hawaii, on May 24, 2020.

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 11-09-2020](#)

NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2021, IN ACCORDANCE WITH RULE 23 OF THE RULES OF THE COUNCIL.

Items: NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (GET-2)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/11/2019	CC 19-24	Council Chair King, relating to nominations to boards, committees, and commissions.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
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12/04/2019 Sub-item (26) Letter from Mayor, dated and received on 12/04/2019, transmitting a proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE CONSERVATION PLANNING COMMITTEE FOR THE COUNTY OF MAUI," along with completed application forms for the following nominees: Claire Carroll (General Public), for a term expiring on 03/31/2022; Anela Evans (General Public), for a term expiring on 03/31/2023; and Laura Kaakua (Conservation/Land Trust), for a term expiring on 03/31/2024.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/10/2020	Sub-item (49)	URBAN DESIGN REVIEW BOARD

Memo from the Director of Council Services, dated 11/10/2020, informing the Council to nominate and approve the appointment of an individual.

PERFORMANCE AUDIT OF THE DEPARTMENT OF LIQUOR CONTROL (GET-9)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/05/2018	CC 18-19	Councilmember Sugimura, relating to a performance audit of the Department of Liquor Control.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/19/2018	CC 18-28	Chair, Maui Liquor Control Commission, transmitting the annual review and evaluation of the Director of Liquor Control.

BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS (GET-19)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/08/2019	CC 19-107	Councilmember Molina, relating to the United States Federal Reserve System's order requiring the Bank of America to provide mortgages on Hawaiian Home Lands.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/08/2019	CC 19-108	Presiding Officer Pro Tempore Kama, relating to Bank of America's \$150,000,000 loan

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commitment for Native Hawaiians on Hawaiian Home Lands.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/23/2019	CC 19-337	Presiding Officer Pro Tempore Kama, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE AND LITIGATE ACTIONABLE CLAIMS AGAINST BANK OF AMERICA AND THE BANKING AND MORTGAGE INDUSTRY."

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/23/2019	CC 19-338	Council Chair King, transmitting County Communications 19-107 from Councilmember Michael J. Molina and 19-108 from Presiding Officer Pro Tempore Kama, relating to Bank of America's commitment to provide mortgages for Native Hawaiians on Hawaiian Home Lands.

HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM-KJM, U.S. DISTRICT COURT, DISTRICT OF HAWAII (GET-26)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/23/2019	CC 19-178	Memo from Council Chair King, dated 04/15/2019, transmitting a proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN <u>HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI</u> , RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL."

FISCAL AUDIT OF THE MAUI COUNTY COUNCIL (GET-32)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/29/2019	GC 19-4	Ricardo Cepin, MGT of America Consulting, LLC, transmitting a copy of the final report, entitled "Fiscal Audit, Phase 1: Maui County Council."

AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE IN ACCORDANCE WITH SECTION 46-43, HAWAII REVISED

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STATUTES (GET-38)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/08/2019	CC 19-447	Chief of Police, transmitting a proposed resolution entitled "AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE PURSUANT TO SECTION 46-43, HAWAII REVISED STATUTES."

CONSERVATION PLANNING COMMITTEE (GET-42)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/24/2020	CC 20-69	Councilmember Molina, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.040, MAUI COUNTY CODE, RELATING TO CONSERVATION PLANNING COMMITTEE."

AMENDING CHAPTER 1.08, MAUI COUNTY CODE, RELATING TO THE COUNTY SEAL (GET-55)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-352	Councilmember King, relating to the County seal.

URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS (GET-58)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-355	Presiding Officer Pro Tempore Kama, transmitting a proposed resolution entitled "URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS."

AMENDING CHAPTER 1.16, MAUI COUNTY CODE, RELATING TO PUBLIC INSPECTION OF ADMINISTRATIVE RULES**MORE →**

(GET-59)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/24/2020	CC 20-389	Council Vice-Chair Rawlins-Fernandez, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 1.16, MAUI COUNTY CODE, RELATING TO PUBLIC INSPECTION OF ADMINISTRATIVE RULES."

COUNTY RECORDS MANAGEMENT SYSTEM (GET-62)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/25/2020	CC 20-477	Councilmember Molina, relating to the County records management system.

APPOINTMENTS TO COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS (GET-63)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/09/2020	CC 20-502	Councilmember Molina, relating to appointments to the Commission on Healing Solutions for Homelessness.

CONTACT INFORMATION

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

COMMITTEE STAFF

Shelly Espeleta, Kasie Apo Takayama, Pauline Martins, and James Forrest

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>

Written testimony via eComment. For more information on how to use eComment, please visit

<http://mauicounty.us/ecomment/> or email get.committee@mauicounty.us.

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

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