

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

October 23, 2020

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on October 6, 2020, makes reference to a Miscellaneous Communication, dated September 16, 2020, from the County Clerk, relating to contact-tracing applications.

By correspondence dated September 30, 2020, Council Chair Alice L. Lee, transmitted correspondence dated September 29, 2020, from the Department of the Corporation Counsel, opining on the Council's legal obligations, liabilities, or responsibilities to approve the use of a contact-tracing application before it is made public within the County.

Your Committee notes Resolution 20-125, entitled "URGING THE MAYOR TO AUTHORIZE APPLE AND GOOGLE TO RELEASE SUSTAIN HAWAII'S PERSEUS CONTACT TRACING APPLICATION FOR VOLUNTARY USE BY COUNTY CONSTITUENTS," was adopted by the Council on September 11, 2020.

Your Committee further notes "Perseus" is a reference to Sustain Hawaii's PERSEUS ("Planned Emergency Response System Engaging Unified Support") contact-tracing application, a voluntary system for tracking COVID-19 exposure through smart phones.

Resolution 20-125 states "the Perseus contact-tracing application needs approval by the Mayor or another governmental authority to go public within the County via Apple and Google application services."

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE**

Page 2

**Committee
Report No.** _____

Your Committee discussed the legal opinion received from the Department of the Corporation Counsel.

A Deputy Corporation Counsel summarized the opinion and advised your Committee that the Council's adoption of Resolution 20-125 does not impose legal obligations or liabilities on the Council.

Your Committee reiterated the resolution's intent was to show the Council's support for the use of a contact-tracing application and provide it as an option for County residents.

Your Committee voted 9-0 to recommend filing of the communication. Committee Chair Molina, Vice-Chair Rawlins Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

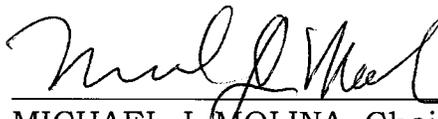
Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that the Miscellaneous Communication, dated September 16, 2020, be FILED.

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE**

Page 3

Committee
Report No. _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

get:cr:20061aa:ske