

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**
Council of the County of Maui

MINUTES

October 17, 2023

Online Only via BlueJeans Link

CONVENE: 1:32 p.m.

PRESENT: Councilmember Nohelani U‘u-Hodgins, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
(arrived at 1:37 p.m.)
Councilmember Shane M. Sinenci, Member

EXCUSED: Councilmember Yuki Lei K. Sugimura, Member

STAFF: Kasie Apo Takayama, Senior Legislative Analyst
Clarissa MacDonald, Legislative Analyst
Pauline Martins, Senior Committee Secretary
Shelly Espeleta, Supervising Legislative Analyst
Richard Mitchell, Legislative Attorney
Richelle Kawasaki, Deputy Director, Office of Council
Services
Megan Moniz, Legislative Attorney
Ellen McKinley, Legislative Analyst
Jarret Pascual, Legislative Analyst
Samantha Tanck, Legislative Analyst
Jean Pokipala, Council Services Assistant Clerk
Richelle Thomson, Deputy County Clerk, Office of the
County Clerk
Zhantell Lindo, Council Aide, Moloka‘i Residency Area
Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency
Area Office
Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area
Office
Angela Lucero, Executive Assistant to Councilmember
Paltin

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Davideane Sickels, Executive Assistant to Councilmember
Kama
Dawn Lono, Executive Assistant to Councilmember Sinenci
Gina Young, Executive Assistant to Councilmember Sinenci
Haunani Madela, Executive Assistant to Councilmember
Rawlins-Fernandez
Jared Agtunong, Executive Assistant to Councilmember
Cook
Kate Griffiths, Executive Assistant to Councilmember
Johnson
Laura McDowell, Executive Assistant to Councilmember
U‘u-Hodgins
Lois Whitney, Executive Assistant to Councilmember Kama
Susan Clements, Executive Assistant to Councilmember
U‘u-Hodgins

ADMIN.: Victoria J. Takayesu, Corporation Counsel, Department of
the Corporation Counsel
Christine Trenholme, Deputy Corporation Counsel,
Department of the Corporation Counsel
Cory Lynn Vicens, Boards and Commissions Secretary,
Office of the Mayor
Andrew Martin, Prosecuting Attorney, Department of the
Prosecuting Attorney
Bradley Sova, Deputy Corporation Counsel, Department of
the Corporation Counsel
Jordan Molina, Director, Department of Public Works
Shayne Agawa, Director, Department of Environmental
Management
James Landgraf, Deputy Director, Department of Water
Supply

OTHERS: Jacee Law
Plus (2) other people

PRESS: *Akakū Maui Community Television, Inc.*

CHAIR U‘U-HODGINS: *... (gavel) ...* Good afternoon, and will the Government Relations, Ethics, and Transparency Committee meeting of October 17th, 2023, please come to order. It is 1:32 p.m. I’m your Chair, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Committee Vice-Chair Tamara Paltin.

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VICE-CHAIR PALTIN: Aloha ‘auinalā kākou.

CHAIR U‘U-HODGINS: Aloha. Councilmember Tom Cook.

COUNCILMEMBER COOK: Aloha and good afternoon, Chair.

CHAIR U‘U-HODGINS: Aloha. Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Mina-san, konnichiwa. I am in the Lāna‘i District Office. There is no testifiers here, and I’m alone on my side. Mahalo, Chair.

CHAIR U‘U-HODGINS: Thank you. Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Aloha ‘auinalā, Chair.

CHAIR U‘U-HODGINS: Aloha. Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha and habari.

CHAIR U‘U-HODGINS: Habari. Councilmember Keani Rawlins-Fernandez will be joining us shortly. Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha pua aloha kākou . . .*(inaudible)*. . . and there are no testifiers in Hāna, Chair.

CHAIR U‘U-HODGINS: Thank you. Councilmember Yuki Lei Sugimura will also be joining us shortly. We have today, representing the Office of the Mayor, Secretary for Boards and Commissions, Cory Vicens. We also have with us, from the Department of Prosecuting Attorneys, Prosecuting Attorney Andrew Martin. And from the Department of Public Works, we have Director Jordan Molina. From the Department of Environmental Management, we have Director Shayne Agawa and Deputy Director Bob Schmidt. From the Department of Water Supply, we have Deputy Director Kimo Landgraf. From Corporation Counsel, we have Corporation Counsel Tori Takayesu, Deputy Corporation Counsel Kristin Tarnstrom, Deputy Corporation Counsel Bradley Sova. And as well as our Committee Staff, we have Pauline Martins, Kasie Apo Takayama, Clarissa MacDonald, Richard E. Mitchell, and Jean Pokipala. Please see the last page of the agenda for information on meeting connectivity. On today’s agenda, we have seven items. Testifiers wanting to provide video or audio testimony should have signed up in the lobby, joined online meeting via the BlueJeans link, or called in to the phone number noted on today’s agenda. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas as well. Under the Sunshine Law, the Chair will

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receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up in the agenda. Chat should not be used to provide comments or discussion beyond signing up to testify, or to notify Staff you do not wish to testify. If you wish to testify, please state in the chat your full name, organization, and the agenda items you would like to testify on, and your preference to testify at the beginning of the meeting, or as the agenda item is called up. If you wish to testify anonymously, please notify Staff. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, or you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. We will do our best to take up each person in an orderly fashion. Thank you very much for your cooperation. We will now call testifiers wishing to testify at the beginning of the meeting. Staff, can you please call the first testifier.

MS. MACDONALD: Chair, the first individual signed up to testify is Zhantell Lindo.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. LINDO: Aloha and mahalo, Chair. Aloha to the Council. Thank you so much for this opportunity. I just wanted to voice my support and appreciation for Josiah Ching's nomination and his acceptance of the nomination to the Conservation Planning Commission. Josiah is an awesome resource to our community. He's been involved in the conservation with the Land Trust for a long time, worked with 'Āina Momona, and has really been putting his youthful passion for our 'āina and just...just helping Moloka'i to thrive. And...and I wanted to thank you for considering him, and I know that he will be a great benefit to this Commission, and also a great representation for Moloka'i. Mahalo.

CHAIR U'U-HODGINS: Thank you. Members, do we have any clarifying questions? Member Kama?

COUNCILMEMBER KAMA: I don't have a clarifying question, Chair.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER KAMA: But, I did want to make a statement.

CHAIR U'U-HODGINS: Sure.

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COUNCILMEMBER KAMA: That I'm in receipt of seven letters from the Mayor from many of the appointees have withdrawn.

CHAIR U'U-HODGINS: Yeah, we're going to get to that discussion in a bit, Member Kama.

COUNCILMEMBER KAMA: Okay. Okay.

CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER KAMA: Thank you.

CHAIR U'U-HODGINS: Do we have anyone signed up to testify?

MS. MACDONALD: Chair, there's currently no one left to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. I see a testifier coming down now.

(. . .Mr. Law walking to the testifier podium. . .)

MR. LAW: Aloha.

CHAIR U'U-HODGINS: Aloha, Mr. Law.

MR. LAW: Aloha 'auinalā, Council Chair U'u-Hodgins and everybody out there in TV land. I'm Jacee Law, Kula Uka my [*spoke in Hawaiian*]. And the Hawaiian word for the afternoon is dedication. [*Spoke in Hawaiian*]...forgive me, these As are hard for me. [*Spoke in Hawaiian*] Ho'ola'a 'ana, or if you prefer [*spoke in Hawaiian*]. And I would like to thank the volunteers for the Commissions for their [*spoke in Hawaiian*].

CHAIR U'U-HODGINS: Thank you. Members, any clarifying questions? Seeing none. Thank you very much. Okay.

MS. MACDONALD: Chair, there is no one who is left to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. This is the final call...three, two, one. Chair, it appears that nobody wishes to testify.

. . . END OF PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

CHAIR U'U-HODGINS: Thank you. At this time, I'd like to recognize Member Rawlins-Fernandez. Aloha.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair. E kala mai for my tardiness. I’m at the Moloka‘i District Office, alone on my side of the office.

CHAIR U‘U-HODGINS: Thank you.

**GREAT-5(2) NOMINATIONS TO VARIOUS BOARDS, COMMITTEES, AND
COMMISSIONS (RULE 7(B))**

CHAIR U‘U-HODGINS: Okay. Let’s proceed with the first item on the agenda, which is Nominations to Various Boards, Committees, and Commissions. We have before us the nominations for, again, various boards and commission nominations, which were also on Friday’s Council agenda. Since posting these items, myself, our Committee Staff, Corporation Counsel, and the Mayor’s representatives, Ms. Vicens, have discussed the process regarding these nominations. At this time, the nominations put forward for the various boards and commissions have been withdrawn to provide Corporation Counsel and OCS Legislative Attorneys time to determine the correct process for the boards and commission nominations during this transitional period to the independent nomination board. To clarify, this doesn’t preclude the nominees from consideration in the future. And at this time, we are going to ask Ms. Vicens to provide us with some opening statements. Thank you.

MS. VICENS: Thank you, Chair. Am I on? Okay. Thank you, Chair U‘u-Hodgins, Vice-Chair Paltin, and Councilmembers. It’s nice to see all of you in person. Mayor’s withdrawal of the nominees listed as Resos Number 23-209 through 23-213 is due to the procedural review of Charter Section 13.2.19. The Administration very much expects to be resubmitting these nominees in the future, and the Mayor appreciates the nominees’ willingness to serve, and their patience as we work through the matter at hand. That is all that we have for you today. Thank you.

CHAIR U‘U-HODGINS: Thank you very much. Okay, before we get into discussion if any...I would like to do a last call on testimony for this item, GREAT-5(2).

MS. MACDONALD: Chair, there’s currently no one who has signed up to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. I will do a final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U‘U-HODGINS: Thank you. Members, seeing there are no more individuals wishing to testify, without objections, I will now close oral testimony for GREAT-5(2).

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-5(2).

CHAIR U'U-HODGINS: Thank you. And as a reminder, written testimony will be accepted. Members, this item was posted under Rule 7(B) of Rules of the Council so we could hear from the Mayor's representative and discuss related matters. If there are no objections, I will now defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR U'U-HODGINS: Thank you very much. Oh, Member Rawlins-Fernandez, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry. We're...we're not going to discuss the item? We're just going to defer?

CHAIR U'U-HODGINS: Yes. Did you have anything you would like to add?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I...

CHAIR U'U-HODGINS: Yeah, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: I wanted to ask. Okay. Mahalo, Chair. Aloha, Ms. Vicens. Mahalo for being with us today. I wanted to find out if there's any projected timeline on getting nominees for the Independent Nomination Board so that we can proceed with the nominees that we did have on the agenda today?

MS. VICENS: Thank you, Councilmember Rawlins-Fernandez, for the question. The INB candidates...we have the...a list of candidates. We were in process of interviews and going down the road of designation when we were struck with the wildfires. So, Mayor's focus, and the team's focus, has changed. We have resumed that. We have interviews scheduled. We...we were asked this question on Friday, and the timeline that we see for the...going through the process and through this...the two bodies, GREAT and Council is, you know, at least 30 days before we would see them seated. Does that answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, 30 days. Yeah, it does. And I think everyone would likely be on board with moving forward as quickly as

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possible. You did receive the two...or at least one nominee from my office for consideration?

MS. VICENS: Can you...I did...we did receive a...a applicant, but I'm not certain if that is yours. If you want to email me again, I would appreciate that nominee's name.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. I can do that.

MS. VICENS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, applicant, not nominee. And then my final question is, regarding all the boards and commissions and committees that we have on the agenda, are there any that lack quorum, and so are unable to meet? I know the Conservation Planning Committee is...is probably one of them, but the other ones?

UNIDENTIFIED SPEAKER: Your mic.

MS. VICENS: Sorry. Thank you for the question. So, actually the Conservation Planning Committee is...they were scheduled to have a meeting in August. Obviously that was cancelled. But they do have a full slate of members that they could hold a meeting. Our Urban Design Review Board is one of our boards that does struggle along. We recognize the importance of all of our boards, especially now in light of what has happened across the County from Kula to Lāhainā. The Arborist Committee, the Cultural Resources, Urban Design Review...their importance becomes even greater with these boards being in place. But as I said, Urban Design Review Board is one that we struggle with for sure in the quorum, as well as the County Cultural Resources. Though they have enough, they've struggled with quorum, just making...getting people to attend at this time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that update. Mahalo, Chair.

CHAIR U'U-HODGINS: No worries. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, on the page...on the status part, it says the Council must approve or disapprove the nominations by October 27th, 2023, or the nominations will be deemed approved. So, where does that stand now, that all the names have been withdrawn?

CHAIR U'U-HODGINS: Great question. I think that's a Remi answer maybe, unless...yeah.

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MR. MITCHELL: Thank you, Chair. In order to ensure that the candidates are available to be reconsidered, instead of taking action today by assuming that they are withdrawing and the Council...the Committee is disapproving the nominations based on their withdrawal, instead of that happening, the Administration is withdrawing all of the nominations in order to preserve the ability to resubmit them later. And so, for that reason, Committee Chair is going to simply defer today.

COUNCILMEMBER KAMA: Hmm. Okay, good. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: No worries. Thank you. We have any other discussion? No. Seeing none. Okay. If there are no objections...oh, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry. Just a last follow up.

CHAIR U'U-HODGINS: Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are these...sorry. I forgot . . .*(inaudible)*. . . double check. Are they on the Council meeting? We left them, right, but didn't we table them? We left them at the last Council meeting, so they're still on the agenda.

CHAIR U'U-HODGINS: Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: What's the plan of the action for those items for Friday?

CHAIR U'U-HODGINS: Good question. I think...I think it's kind of what Remi was saying earlier, right, where we are just going to continue to defer this, but you are welcome to answer.

MR. MITCHELL: Thank you, Chair. I assume that it'll be the same course of action at the Council meeting on Friday.

CHAIR U'U-HODGINS: Yep.

MS. APO TAKAYAMA: Sorry. And just to clarify, so we can get it off the agenda on Friday...we don't need to disapprove, but we will...so, we'll just file them and get rid of those communications from the agenda.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Staff, and mahalo, Chair.

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CHAIR U'U-HODGINS: Yeah. No worries. Thank you. Okay. Okay, one more last call for discussion. If not, we're going to defer this item if we have no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR U'U-HODGINS: No objections? Okay. Deferred. Thank you.

GREAT-13 BILL 73 (2023), RELATING TO AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAI'I AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO SETTLEMENT OF OPIOID LITIGATION

CHAIR U'U-HODGINS: We are now going to move on to Bill 73. We have before us Bill 73 (2023), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF MAUI COUNTY--OR THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAI'I AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION." Bill 73's purpose is to authorize the Mayor to enter into an memorandum of understanding with the State of Hawai'i and local governments on proceeds relating to the settlement of opioid litigation as described in Exhibits "1" and "2." At this time, I'm going to request opening comments, and I see Corporation Counsel Tori Takayesu. If you could please provide us comments. Thank you.

MS. TAKAYESU: Sure. Thank you, Chair. I'm requesting approval of this intergovernmental agreement between the County of Maui and the State of Hawai'i. This agreement basically will release the settlement funds arising out of the national opioid litigation against several pharmaceutical companies that are named in the memorandum of agreement that was attached. The total share of Maui County's recovery at this time is estimated to be \$1,245,720. Those monies are earmarked for remediation programs for the treatment primarily of opioid addictions. The recovery is based on our percentage of the population of 13.99. The State is...was the party to the national settlement agreement. The money is earmarked to be spent between 3 and 15 years. 1,058,000 is for the remediation specifically of opioid addiction, and the remainder 186,858 is for treatment of other addictions. The monies are scheduled to be funneled through the Department of Health, but it will be spent entirely at Maui County's discretion. The State is formed--or has formed an advisory committee to determine how to spend it, Chair, which I imagine that

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locally, our County would do the same. But Prosecutor Andrew Martin is available also, and he may be able to give more information on that fact.

CHAIR U'U-HODGINS: Thank you. Is Prosecuting Attorney Andrew Martin on the call, and can you please provide some comments?

MS. APO TAKAYAMA: Chair, I think he disconnected, but we'll get him back on the call.

CHAIR U'U-HODGINS: Okay. Thank you. We can take testimony then if we have, and then he can continue to talk stories with us in discussion. So, before we get to the discussion, can we do a last call for testimony on this item, GREAT-13?

MS. MACDONALD: Chair, there is currently no one who is signed up to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. I'll do a final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item, GREAT-13.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-13.

CHAIR U'U-HODGINS: Sorry. Thanks. Thank you. As a reminder written testimony will continue to be accepted. Okay, so we're going to be implementing a three-minute questioning round, if you need so. So, Members, if you have any questions, please feel free to raise your hand. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, I'm on the page that talks about...let me see. On the Reso...oh, I can't...it's hard to see what the page number is. But, it's under local government share, and it talks about each County and the percentage of the share that they got. And so, Tori, just a few moments ago, you told us that Maui County, based on our population, would get 1.2 million. But, what is Kalawao County's share?

MS. TAKAYESU: They have the majority share at 62 percent.

COUNCILMEMBER KAMA: So, what does that come out to in terms of...

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MS. TAKAYESU: In terms of actual monies at this point, estimated, I don't know what their monies are. And that --

COUNCILMEMBER KAMA: I was asking for . . . *(inaudible)*. . . for Kalawao County, not Honolulu.

MS. TAKAYESU: Oh, Kaua'i is 5.7. I'm sorry.

COUNCILMEMBER KAMA: No. Kalawao County, which is actually Moloka'i.

MS. TAKAYESU: Oh, excuse me. It's .00345, yeah.

COUNCILMEMBER KAMA: I was just asking what they interpreted into dollars and cents.

MS. TAKAYESU: In terms of dollars, I don't have that information.

COUNCILMEMBER KAMA: Okay. Can we get that at some point in time?

MS. TAKAYESU: Absolutely, yeah.

COUNCILMEMBER KAMA: Okay. Okay, thank you.

MS. TAKAYESU: . . . *(inaudible)*. . . sorry. I have been in communication with the Deputy Attorney General, who is...unfortunately the Deputy Attorney General that was handling this has left, and I have a new Deputy Attorney General I was working with. But I'm sure he can get that information for us. Thank you.

COUNCILMEMBER KAMA: Okay. Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Member Sinenci, followed by Member Paltin.

COUNCILMEMBER SINENCI: Thank you, Chair, and mahalo, Tori. Just...is this a one-time payment, or it's consecutive?

MS. TAKAYESU: It'll be spread out between 3 to 15 years, so we won't be getting any more than that total, but that is the time frame for it actually being disbursed.

COUNCILMEMBER SINENCI: Oh, just that amount covered over a 3- to 15-year period?

MS. TAKAYESU: Yes. And I noticed that Andrew Martin is also on the phone, so he might be able to shed more light on that.

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CHAIR U‘U-HODGINS: Mr. Martin.

MR. MARTIN: Hi. Good afternoon.

CHAIR U‘U-HODGINS: Good afternoon.

COUNCILMEMBER SINENCI: My question was just, is there a payment schedule, Mr. Martin, of the funds being --

MR. MARTIN: So...right. And...and folks, my apologies for showing up a little bit late here. This was in my calendar for 2:00 p.m., and I was on a . . .*(inaudible)*. . . call, but I’m...I’m glad to be here now. If I understand the question correctly, so, it’s dependent upon when the distributions are made to the State. So, as the distributions are made to the State, then based upon the allocation amounts in the settlement agreement, then those amounts become available to...to the local county governments.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you. Member Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. I seen that former Mayor Victorino and Moana Lutey signed it, but Mr. Bissen and Ms. Takayesu didn’t sign it yet. Is it after we pass it, then you guys sign it?

MS. TAKAYESU: Yes.

VICE-CHAIR PALTIN: Okay.

MS. TAKAYESU: So, because intergovernmental agreements require approval by the Council, once Council has approved it, assuming that, then the Mayor and I can sign off on it.

VICE-CHAIR PALTIN: Okay. And then the other question I had was, have we received any money already? Because sometimes I see more of those Maxolon [*sic*] overdose stuff more frequently now than in the past. Like we have some at our hub, and all kinds.

MS. TAKAYESU: I believe those are being provided by Department of Health at the State’s expense. So, to my knowledge, we haven’t received any disbursements. But is that correct, Mr. Martin?

MR. MARTIN: Right, that’s correct. So, there are funds available to the County now. I think it’s just over \$300,000 that are available. But, we need to go through this

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process first. Once this process is done today, then what we'll do is we'll submit a subsequent MOU to Corp. Counsel for review that specifically covers how those funds are going to be used, and the terms under which that happens. And that's all provided for in the settlement agreement, which this MOU covers.

VICE-CHAIR PALTIN: And then one of my last questions is, who is the one's paying this money to the County and the State, is it the producers of prescription opioids or pharmaceutical companies?

MS. TAKAYESU: Well, with the --

MR. MARTIN: Chair?

MS. TAKAYESU: I'm sorry. Go ahead.

MR. MARTIN: I was going to say, Chair, I can take that.

CHAIR U'U-HODGINS: Please. Thank you, Mr. Martin.

MR. MARTIN: Yeah, the defendants kind of are across a wide spectrum. It's the manufacturers, it's also the...those who were providing the opioid, such as pharmacies. Those are kind of the main...the main defendants. And then keep in mind too, that those matters that have already been settled, you know...these settlements are continuing to occur, right. They're continuing to be negotiated against additional defendants as time goes on. But --

VICE-CHAIR PALTIN: So, this...my follow up would be like, in addition . . . *(inaudible)*. . . money, is there actions that are being done on their behalf to prevent new people from becoming addicted to opioids? Like maybe they used to give it out for like candy after your surgery or something . . . *(timer sounds)*. . . but now they tell you to do something else?

MR. MARTIN: So, I think that's really the point of the framework of the settlement agreements themselves. And they did really...a really wonderful job of crafting the...the settlement agreement so that this money is specifically to be used toward those efforts that...that you're referring to, Member Paltin. So, these, you know, hundreds of millions of dollars that are being distributed across the country, and when it's all said and done, maybe the close to hundred million dollars that the State will receive, they can only be spent for very specific purposes, the majority of which--85 percent of which has to go specific...specifically toward opioid remediation efforts. So, the settlement agreement is very specific about how the funds are supposed to be used, and it's toward those exact efforts, right. It's awareness, it's prevention, it's

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treatment, all of that. And the agreement in the MOU kind of outlines specifically what those kind of areas of focus are. And so, that's...that's the intent behind the money. And it...it was done really well, and with a look back to kind of, if I can say, the mistakes that were made with the tobacco settlements 20, 30 years ago, where it was kind of open-ended, and local governments and state governments didn't spend the money the way they should. But this ones, they really wanted to get it right. The Attorneys General across the country really did a good job of shaping it.

VICE-CHAIR PALTIN: Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Members, do we have any other questions? Member Sinenci, followed by Member Johnson.

COUNCILMEMBER SINENCI: Thank you, Chair. Just my follow-up questions. So, Mr. Martin, can the monies be used for existing programs--programs at Aloha House--and will your office or the Department of Human Concerns use those funds? Where would it go?

MR. MARTIN: So, I think part of the focus as we work on building out what our plan is for the funds needs to be making sure that we're not supplanting efforts that are already funded, but really, looking to expand services. But it can already...certainly already go to, let's say, expand the services that Aloha House is providing. It can also go to other providers--community health organizations--they're already doing some...some really great work on Maui. It...it really isn't specific to what organizations can use the money, but the focus is really on...on what the ultimate...that...that it goes to some form of opioid remediation. It can be used to assist in law enforcement in prosecution, but, you know, I...I think the focus is, and the effort should really be, on finding the best use on a community-wide basis for the funds, given the concerns that we have with...with opioids here in Maui County. I hope that answers your question.

COUNCILMEMBER SINENCI: So, you would have like a commission that would determine who and where the funds are directed?

MR. MARTIN: Right. So, the settlement agreement is set up for every single state an opioid advisory group...that's what I served on as the Mayor's appointee...or representative, I should say. So, there's that state-wide group. It isn't, you know, required for the local governments to do the same thing, but that's my recommendation to the Administration and the County that...you know, that our efforts are really bringing together all of the subject-matter experts, and those who have the knowledge of what's going on in our community to find the best...best use of the funds.

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COUNCILMEMBER SINENCI: Okay, great. Thanks for the leeway, and happy to have another meeting in the WASSP Committee if we want to discuss further. Thank you.

CHAIR U‘U-HODGINS: Cool. Thank you, Member Sinenci. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I really appreciate this bill. I support it. I support having an intergovernmental agreement. I have two kind of anecdotal stories about this topic. I grew up in a house in Cleveland...low-income house. \$70,000, my mom bought that house in 1970. She sold it in the ‘90s for \$70,000. Then heroin came to town in the form of these pills. And I looked it up on...and what happened in the 2000s in my town, and that house sold for \$40,000. It just decimated our community. That’s just the price of the home values, what this...what this big pharma did to our town through opioids. I had a good friend of mine, he stubbed his toe on a coffee table. We’ve all done it. And he...he had to take...it got infected, he had to take surgery, he was complaining, he had to walk around in a boot. They gave him opioids for his pain, and he died from it. That’s...there’s an epidemic here. I’m glad we’re doing something about it. I’m glad Mr. Martin mentioned where the funding is going because this is a...this is a bad thing that we don’t want in our communities. You can see it on the mainland, some of the cities, it’s like zombie apocalypse what these pills do to people. I guess my question is for Mr. Martin, can you speak on the epidemic here on our shores in Maui County? Are you getting a lot of cases with the pills? Have they gone up, or are they going down? That’s my first question. The follow up is on...you know, do we have the capacity? I know Aloha House was getting a 12-bedroom dorm, I can’t wait for that to happen, but capacity--are we ready for this epidemic? That’s for Mr. Martin. Thank you, Chair.

MR. MARTIN: Yeah. Thank you, excellent questions. So, there’s good news and there’s bad...there’s bad news, right. The good news is that we are not presently as severely impacted as communities and jurisdictions on the mainland are right now. Couple months ago, with the Department of Health, I flew out to a summit in North Carolina on opioid settlement funds, and...and how they’re being used, and this amazing plan that North...the State of North Carolina put into effect. You know, their communities, I mean this is...they are just absolutely being devastated by this epidemic on...on levels that, you know, we are not seeing here on Maui right now. That, I think, in some sense is good news. Here’s the bad news. The . . .(timer sounds). . . .(inaudible). . . of opioid-related substances that are...we’re seeing through the Police Department, and the cases coming to our office, are exponentially increasing. That’s for us on Maui, that’s across the State. And so, while that is disheartening, and we know this wave is on its way, we are in a position, I think

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a unique position, to get out ahead of it in a way other communities were not able to do so. So, building capacity, working on some of the good works that other community organizations are doing in the areas of harm reduction, these are all things that need to be discussed. And we have this opportunity to get out in front of this, and I think that's the good news.

COUNCILMEMBER JOHNSON: Thank you, Mr. Martin, for your efforts. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Johnson, for sharing. Thank you, Mr. Martin. Members, do we have any other questions? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just had one last question in terms of the...the composition of the advisory committee. So, you're the designee for Maui County; is that correct?

MR. MARTIN: Yes, that's correct.

COUNCILMEMBER KAMA: Okay. And then there's going to be a designee from each of the other counties too, and...plus the Department of Health, somebody from there, and somebody from the Department...and so on, as it explains in here. But then in the local government, Chair, it talks about Kalawao County, but it doesn't have a designee. Are you considered the designee for Kalawao as well? . . . *(inaudible)* . . .

MR. MARTIN: I...I...I don't...no, I'm not.

COUNCILMEMBER KAMA: Okay.

MR. MARTIN: Yeah.

MS. TAKAYESU: Maybe I can clarify that a little bit. So, I don't think it's been determined on a local level how we're going to do this. I assume we're going to form a committee, but to my knowledge, it hasn't yet been done; is that right?

COUNCILMEMBER KAMA: Thank you.

MS. TAKAYESU: Yeah, for Maui County, as opposed to the State, and Kalawao County as well.

COUNCILMEMBER KAMA: Okay. And then the State was going to engage a private party to perform a state-wide needs assessment. So, do we know who that private third party will be, or is that going to be RFP'd out?

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MR. MARTIN: So, the needs assessment was previously done. It's available on...there's a website--off the top of my head I don't know it--but there's a statewide opioid website that has all the data from that needs assessment across a number of different areas. I think there were six working groups that were put together to come up with that...that information.

COUNCILMEMBER KAMA: So, this one was done in our State too, and our County also? Okay. . . .*(inaudible)*. . .

MR. MARTIN: That's state-wide, yes.

COUNCILMEMBER KAMA: Okay. So, could you send that website so we can go look at it? Thank you.

MR. MARTIN: Yes. I can find it right now and put it in the chat.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Kama. Do we have any other discussion? Okay. Are we ready to vote? Okay. At this time, I'd like to entertain a motion to recommend the passage on first reading of Bill 73 (2023).

COUNCILMEMBER SINENCI: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR U'U-HODGINS: Thank you. Motion made by Councilmember Sinenci, seconded by Councilmember Kama. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, I'm seeing eight "ayes," zero "noes," one excused, Councilmember Sugimura.

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**VOTE: AYES: Chair U‘u-Hodgins, Vice-Chair Paltin,
Councilmembers Cook, Johnson, Kama, Lee,
Rawlins-Fernandez, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

ACTION: FIRST READING OF BILL 73 (2023).

CHAIR U‘U-HODGINS: Thank you. Thank you, Members. This item will move on for the full Council’s consideration.

**GREAT-11(2) LITIGATION MATTERS (RESOLUTION 23-130, RELATING TO
SETTLEMENT AUTHORIZATION: RONALD BROWNING; CLAIM
4077284 (PROPERTY DAMAGE))**

CHAIR U‘U-HODGINS: Okay. Moving on. We have before us Resolution 23-130, entitled “AUTHORIZING SETTLEMENT OF CLAIM NUMBER 4077284 OF RONALD BROWNING.” Resolution 23-130’s purpose is to authorize the settlement of the claim filed on June 8th, 2022 in the amount of \$18,107.70. The claim alleges damages to the claimant’s property located at 3770 Kula Highway, Kula, Maui, Hawai‘i, resulting from flooding that occurred on December 5th, 2021, due to a blockage at the County-owned culvert beneath Lower Kula Road. At this time I’m going to request opening comments from Deputy Corporation [sic] Bradley Sova.

MR. SOVA: Thank you. Good afternoon, Councilmembers. I am Bradley Sova, as mentioned. I believe that Ms. U‘u-Hodgins has already given the sort of basic facts that are necessary as far as Mr. Browning’s claim that’s on the agenda today. I’m happy to provide additional information; however, considering that that will concern County liability, I think that’s most appropriately done in executive session. I’ll also note the same is likely the case for the other claim matters that are currently on the calendar.

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CHAIR U'U-HODGINS: Okay. Do we have Jordan Molina on the line? Okay. Hopefully we'll get him on soon. Thank you, Bradley Sova. Before we get into discussion, can we please do a last call for testimony for this item, GREAT-11(2).

MS. MACDONALD: Chair, there's currently no one who is signed up to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. I can do a final countdown...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you. Members, seeing there are no individuals wishing to testify, without objection, I will now close oral testimony for this item, GREAT-11(2).

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-11(2).

CHAIR U'U-HODGINS: Thank you, and as a reminder, written testimony will continue to be accepted. Members, we're going to implementing another three-minute questioning period, with a one-minute follow-up round. Does anybody want to start discussion? You have any questions for Corporation Counsel, and as we get Director Molina on the line? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, I just want to ask whether or not the issue of why we're being sued, has that been resolved in terms of the culvert being cleaned out, and the continuation of ensuring that these culverts will always be cleared out and not cause this in any other district or any other neighborhood?

CHAIR U'U-HODGINS: Thank you, Member Kama. I'm not too sure if Mr. Sova can answer that. If not, Public Works? Can you answer that?

MR. SOVA: So, I...let me just look through my materials. I know that there was...the culvert was cleaned out. The blockages were removed. That was actually done, I believe, by the State shortly after the incident here, which occurred on December 5th through 6th, 2021...that was a large Kona low storm that affected all of the island. As far as a more specific answer, I'd have to either defer to Public Works, or more extensively research that.

COUNCILMEMBER KAMA: Okay. Are we going to ask Public Works?

CHAIR U'U-HODGINS: I would love to, but I don't think Director Molina is on the line, is he? Member Paltin.

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VICE-CHAIR PALTIN: I just wanted to follow up on Member Kama's question. You said the State cleaned out that culvert. Is it a State culvert, or does the land belong to the County?

MR. SOVA: So, the culvert is owned by the County. Some of the surrounding lands are owned by the State and maintained by the State. And I think while they were in the process of cleaning up damage to that land that was incurred during the Kona low storm, they also cleaned out the culvert as well, is my understanding.

VICE-CHAIR PALTIN: And you wouldn't know what kind of preventative--like they planted vetiver or something, bamboo--to prevent it from occurring again?

MR. SOVA: I don't have that information. I'm sorry.

VICE-CHAIR PALTIN: Okay. And one more. The dollar amount was based on receipts or something?

MR. SOVA: Yes. So, the dollar amounts in question, those have been reviewed both by our adjuster, as well as our office. I can give more of the specifics, but again, I think that would be best in executive session.

VICE-CHAIR PALTIN: Thank you.

CHAIR U'U-HODGINS: Thank you, Member Paltin. Do we have any other questions? Are we still trying for Director Molina? Okay. Do we have any other questions? Do we feel a need to go into executive session, Members?

MR. SOVA: Oh, I will note one issue. This doesn't go to liability, and it's something that I'll take care of on my end. There was a release that was executed, you know, that was signed by the claimants. In preparing for today's hearing, I noted that that was concerning December 5th through 6th of 2022. That date was in error, it should be 2021. I intend to follow up with our adjuster, probably as soon as we finish here, just to make sure that that's corrected before we--assuming that it is approved, both by this Committee and the full Council--before we execute the settlement and proceed with payment.

CHAIR U'U-HODGINS: Thank you, Mr. Sova. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a follow-up question. So, if the County owns the culvert areas, and the flooding was due to--I guess would be an act of nature...act of God--does the County just bear the whole responsibility of the damages?

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MR. SOVA: Again, that does get into liability questions, which I think would be better in executive session. But, I think just given that generally speaking there would be the duty to maintain that culvert by the owner, which here would be the County, you know, that's sort of the reason that we would have liability here. You know, there were some questions given that, you know, ownership of the surrounding lands with the State, which I did investigate with our...our adjuster. But ultimately, given the information I received, as well as the information that I did not receive, we came to the determination that the County would bear liability for the cost.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Sinenci. Member Paltin, and then I believe we might have Director Molina on the line as well, if we had any questions for him too. Go ahead, Member Paltin. Thank you.

VICE-CHAIR PALTIN: Thank you. My question might be pertained to Director Molina. Mr. Browning was saying why the County is liable because the Kona storm was forecasted, and that the County didn't maintain or visibly inspect the culvert. And I just was wondering if that's something that we will do going forward?

MR. SOVA: I will just say, as a matter of personal opinion, especially as the County suffers larger weather events, that it's important that we check on all of our critical infrastructure. And I know from conversations with Public Works that, you know, that sort of assessment, I believe, has been underway, but that's really just a personal and legal opinion. I would defer to the Director for anything more specific.

VICE-CHAIR PALTIN: So, like check it quarterly, and then double check it if there is like an anticipated weather event or something along those lines?

MR. SOVA: That would probably be a prudent policy. Yes.

CHAIR U'U-HODGINS: Director Molina is on the line, Member Paltin, if you want to ask him a question. Director Molina, Member Paltin has a question regarding forecasting weather events, and being preventative before they happen.

VICE-CHAIR PALTIN: Yeah, just like when we inspect our County-owned culverts and whatnot.

MR. MOLINA: Yeah. So, Jordan Molina, Director with Public Works.

CHAIR U'U-HODGINS: Thank you.

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MR. MOLINA: It is our standard operating procedure that when we are...when we see a rain event coming, that we have the crews go out and do routine inspections of all culverts in our low-lying areas to Kihei and Lāhainā. We also preemptively open the sand plugs to the point that they will free flow once the storm water flows hit those locations, and try and promote them flowing out sooner than later and backing up and causing flood damages. So, that is standard practice that we deploy before any major weather event is anticipated to arrive.

VICE-CHAIR PALTIN: Thank you. And besides Lāhainā and Kihei, are we going now add Kula to the rotation too?

MR. MOLINA: Yeah, I apologize. That also . . .*(inaudible)*. . .

CHAIR U'U-HODGINS: Director, we lost you the last like 30 seconds. Can you please begin?

MR. MOLINA: Yeah. So, we also do the culvert inspections in Kula, Makawao, Ha'ikū as well. And frankly, all our districts, that is a practice for us to go check those culverts to ensure that they are open and clear . . .*(timer sounds)*. . . in anticipation of events.

VICE-CHAIR PALTIN: Thank you. And thank you for that issue earlier as well.

CHAIR U'U-HODGINS: . . .*(inaudible)*. . . for the bathroom downstairs. Member Sinenci, go ahead. Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a question for Director Molina. Has there been any evidence of dumping of household goods or green waste that would cause blockage?

MR. MOLINA: Yeah, I mean that is a problem, the extent to which it's hard to determine, short of seeing something like a refrigerator stuck in the culvert. When it comes to debris flow just from ag properties or forested areas, you know, it's not real clear to me, you know, the proportion that is homeowner green waste versus just the natural condition of our undeveloped lands.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Sinenci. Thank you, Director Molina. Members, do we have any other questions for either Corp. Counsel or Director of Public Works? No. Okay. Seeing none. Are we ready to move on? Okay. At

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DAVID WILLIAMS.” Resolution 23-110’s purpose is to authorize settlement of the claim filed on April 4th, 2022, in the amount of \$29,046.04. The claim alleges damages to the claimant’s property located at 3274 Waileia Place, Kihei, Maui, Hawai’i, resulting from flooding due to blockage of drainage gulch. And again, we’re going to request opening comments by Mr. Sova.

MR. SOVA: Thank you, Chair. Again, sort of the brass tacks have already been given. You know, this is alleging damages to the property at 3274 Waileia Place in Kihei from flooding of a...flooding from the blockage of a County-maintained drainage ditch. This occurred on December 5th, 2021. If that date sounds familiar, it’s the same as the last claim with the Kona low storm that occurred in December 2021. I did review the materials that were provided by our adjuster as far as valuation of the repairs that were undertaken and confirmation. I did also, both through the adjuster and independently, speak to Public Works as far as the culvert’s capacity, maintenance records, and other issues. And the determination was made that the County would be liable for the claim in the amount that is specified in the resolution. For more specifics, again, as it is pertaining to issues of liability, I think that would be most appropriately discussed in executive session.

CHAIR U‘U-HODGINS: Thank you, Mr. Sova. Director Molina, do you have any opening comments you’d like to provide?

MR. MOLINA: None at this time. Thank you.

CHAIR U‘U-HODGINS: Thank you. Staff, do we have anybody signed up for testimony on this item?

MS. MACDONALD: Chair, there’s currently no one who is signed up to testify. If somebody would like to testify in the Chamber or on BlueJeans, please let Staff know. I’ll do a final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U‘U-HODGINS: Thank you. Members, seeing there are no individuals wishing to testify, without objection, I will now close oral testimony for GREAT-11(22).

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-11(22).

CHAIR U‘U-HODGINS: Thank you. And again, as a reminder, written testimony will continue to be accepted. Members, we’re going to do another three-minute questioning round with a one-minute follow up. Do we have any questions, Members? Member Sinenci, go ahead.

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COUNCILMEMBER SINENCI: Was there...of the amount that's being requested, was there any particular...like what was due to the majority of the cost...or the damages, I guess.

MR. SOVA: So, the majority of the costs that we received were for rock wall repairs, there was damage to a rock wall on the property from the flooding. That was the most significant cost that was accrued here. That, plus all other costs, were reviewed by our adjuster and was discounted subject to depreciation. So, you know, if a brand-new rock wall was put in place to replace a 20-year-old rock wall, you know, you don't get the full cost, you add the depreciation. But, just directly on to your question, from what I've seen...what I have in front of me, the rock wall expenses would have been both for the materials and labor...the largest expense at issue.

COUNCILMEMBER SINENCI: Okay. Thank you, Mr. Sova. Thank you.

CHAIR U'U-HODGINS: Thank you. Members, do we have any other questions for either Corporation Counsel or Public Works? Member Paltin.

VICE-CHAIR PALTIN: I just was wondering about the...the work order stuff and the hours. Is that to like prove that people were working on the road or something?

MR. SOVA: I'm sorry. When you were talking about those work orders, which are you specifically referring to?

VICE-CHAIR PALTIN: Like page 11 of the transmittal...12, 13.

MR. SOVA: Sorry, I apologize, mine are not paginated since I have the paper copies.

VICE-CHAIR PALTIN: Oh, yeah...it might be the...the transmittal that is numbered in a different way. But it says work order 358201 --

MR. SOVA: Okay.

VICE-CHAIR PALTIN: -- work date.

MR. SOVA: Looking at those now, I believe those are the maintenance records for the drainage ditch at issue. Yeah, that's one of the things that we do when we have a claim of this sort. We look to see what sort of maintenance and repair work have been done, just to ensure that, you know, it had been maintained in good condition. So, that's the purpose of those, just to show prior maintenance and other work on the property. I think the most relevant to the claim would likely

