



The County of Maui

Council Chamber
200 South High Street, 8th
Floor
Wailuku, Hawaii 96793

Legislation Details (With Text)

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File created: 11/7/2022 **In control:** Government Relations, Ethics, and Transparency Committee

On agenda: 11/15/2022 **Final action:**

Title: NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL

Sponsors:

Indexes:

Code sections:

Attachments: 1. County Communication 15-6, 2. County Communication 17-6, 3. County Communication 19-29, 4. County Communication 21-46, 5. Resolution 22-64, 6. Resolution 22-95, 7. Resolution 22-98, 8. Resolution 22-160, 9. Resolution 22-211, 10. Resolution 22-212, 11. Resolution 22-248, 12. County Communication 19-492, 13. Resolution 22-249, 14. Resolution 22-250, 15. County Communication 19-107, 16. County Communication 19-108, 17. County Communication 19-337, 18. County Communication 19-338, 19. Committee Report 21-18 (Recommitted), 20. County Communication 19-447, 21. County Communication 19-178, 22. County Communication 21-413, 23. BILL 117 (2022), 24. Bill 138 (2022), 25. Resolution 22-226, 26. Bill 169 (2022)

Date	Ver.	Action By	Action	Result
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NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL

LITIGATION MATTERS (GREAT-11)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/02/2015	CC 15-6	Councilmember White, relating to litigation matters.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/16/2017	CC 17-6	Council Chair White, relating to litigation matters.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/11/2019	CC 19-29	Council Chair King, relating to litigation matters.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/15/2021	CC 21-46	Council Chair Lee, relating to litigation, claims, and demands, including requests for settlement authority, indemnification, employment of and compensation for special counsel, and status updates.
<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/09/2015	Sub-Item (2)	SETTLEMENT AUTHORIZATION: OCEAN RESORT VILLAS

VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI,
ET AL., CIVIL 13-1-0848(2)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/12/2015	Sub-Item (6)	SETTLEMENT AUTHORIZATION: DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 07-1-0496(2)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/26/2021	Sub-Item (10)	SETTLEMENT AUTHORIZATION: GEOFFREY E. WITTMER, AS THE SPECIAL ADMINISTRATOR FOR THE ESTATE OF ERIC G. WITTMER, DECEASED, V. COUNTY OF MAUI, MAUI POLICE DEPARTMENT, ET AL.; CIVIL 19-1-0198 (1)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/04/2022	Sub-Item (14)	RESOLUTION 22-64, RELATING TO SETTLEMENT AUTHORIZATION: GERALDINE CONSTANTINO V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-17-00763

03/04/2022	RESO 22-64	"AUTHORIZING SETTLEMENT OF GERALDINE CONSTANTINO VS. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-17-00763," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/01/2022	Sub-Item (17)	RESOLUTION 22-95, RELATING TO SETTLEMENT AUTHORIZATION: FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA; CLAIM 4073176

04/01/2022	RESO 22-95	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/08/2019	Sub-Item (18)	SETTLEMENT AUTHORIZATION: SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 14-00535 SOM-WRP

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/22/2022	Sub-Item (19)	RESOLUTION 22-98, RELATING TO SETTLEMENT AUTHORIZATION: DAVID GARDINER; CLAIM 4070286

04/22/2022	RESO 22-98	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4070286 OF DAVID GARDINER," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/21/2022	Sub-Item (23)	STATUS: A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

486-2018-00541

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/01/2022	Sub-Item (24)	RESOLUTION 22-160, RELATING TO SETTLEMENT AUTHORIZATION: CRAIG CLOVE; CLAIM 4056092

07/01/2022	RESO 22-160	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4056092 OF CRAIG CLOVE" introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/20/2022	Sub-Item (27)	RESOLUTION 22-211, RELATING TO SETTLEMENT AUTHORIZATION: DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022 CW-EO-11

09/20/2022	RESO 22-211	"AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET NO.: 2022-CW-EO-11," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/09/2019	Sub-Item (28)	SPECIAL COUNSEL AUTHORIZATION: TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL RELATED TO INTERPRETATION OF THE CHARTER OF THE COUNTY OF MAUI REGARDING LEGISLATIVE AND EXECUTIVE AUTHORITY

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/20/2022	Sub-Item (30)	RESOLUTION 22-212, RELATING TO SETTLEMENT AUTHORIZATION: PAULINE TIU; CLAIM 4067712

09/20/2022	RESO 22-212	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4067712 OF PAULINE TIU," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (31)	RESOLUTION 22-248, RELATING TO SETTLEMENT AUTHORIZATION: ASHLEY HOOKS V. COUNTY OF MAUI, ET AL., CIVIL 2CCV-21-0000034

11/04/2022	RESO 22-248	"AUTHORIZING SETTLEMENT OF ASHLEY HOOKS V. COUNTY OF MAUI, ET AL., CIVIL NO.: <u>2CCV-21-0000034</u> ," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/06/2019	Sub-Item (32)	SPECIAL COUNSEL AUTHORIZATION: TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL IN THE CASE OF MCKELVEY V. VICTORINO

12/06/2019	CC 19-492	Memo from Council Chair King, dated 12/06/2019, transmitting a
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proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL IN THE CASE OF MCKELVEY V. VICTORINO."

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (33)	RESOLUTION 22-249, RELATING TO SETTLEMENT AUTHORIZATION: JAMSHED HAQ; CLAIM 4072108

11/04/2022	RESO 22-249	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4072108 OF JAMSHED HAQ," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Sub-Item (34)	RESOLUTION 22-250, RELATING TO SETTLEMENT AUTHORIZATION: HALE MAHAOLU; CLAIM 4072812

11/04/2022	RESO 22-250	"AUTHORIZING SETTLEMENT OF CLAIM NO. 4072812 OF HALE MAHAOLU," introduced by Council Chair Alice L. Lee upon the request of the Mayor.
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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/04/2020	Sub-Item (35)	SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. RICK MARKHAM, ET AL.; CIVIL 17-1-0384(2)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/04/2018	Sub-Item (46)	SPECIAL COUNSEL AUTHORIZATION: LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS

BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS (GREAT-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 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 Molina and 19-108 from Presiding Officer Pro Tempore Tasha Kama, relating to Bank of America's commitment to

provide mortgages for Native Hawaiians on Hawaiian Home Lands.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/06/2021	CR 21-18	Government Relations, Ethics, and Transparency Committee Report recommending ADOPTION of resolution to authorize additional compensation related to the employment of special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct, and in Bank of America, N.A. v. County of Maui, et al., Civil 1:20-CV-00310 JMS-WRP. (Recommitted)

AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE IN ACCORDANCE WITH SECTION 46-43, HAWAII REVISED STATUTES (GREAT-25)

<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."

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

AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/24/2021	CC 21-413	Acting Chief of Police, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS."

BILL 117 (2022), RELATING TO AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH UNIVERSITY OF HAWAII FOR THE PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR COUNTY EMPLOYEES (GREAT-59)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/05/2022	Bill 117 (2022)	"A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII FOR THE

PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR EMPLOYEES OF THE COUNTY OF MAUI,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.

BILL 138 (2022), RELATING TO AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION (GREAT-64)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
9/20/2022	Bill 138 (2022)	“A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION,” introduced by Council Vice-Chair Rawlins Fernandez.

RESOLUTION 22-226, RELATING TO THE REMOVAL OF ROBERT HALE PAHIA FROM THE KULA AGRICULTURAL PARK COMMITTEE (GREAT-65)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/07/2022	RESO 22-226	“REMOVAL OF ROBERT HALE PAHIA FROM THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.

BILL 169 (2022), RELATING TO AIR GUNS AND REPLICA GUN REGULATIONS (GREAT-67)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/04/2022	Bill 169 (2022)	“A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.28, MAUI COUNTY CODE, RELATING TO AIR AND REPLICA GUNS,” introduced by Council Chair Alice L. Lee upon the request of the Mayor.