



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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Michael J. Molina

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Vice-Chair  
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Rawlins-Fernandez

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Tasha Kama  
Kelly T. King  
Alice L. Lee  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Tuesday, March 12, 2019

9:00 a.m.

MEETING SITE:

Council Chamber  
Kalana O Maui Building, 8th Floor  
200 South High Street  
Wailuku, Hawaii

OFFICE OF THE  
COUNTY CLERK

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## AGENDA

### LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. PEDRO TOLENTINO, JR., ET AL.; CIVIL 18-1-0124(1)) (GET-11(51))

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

1. Correspondence dated December 3, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of County of Maui v. Pedro Tolentino, Jr., et al., Civil 18-1-0124(1), and transmitting a copy of the complaint. The complaint alleges violations of the Comprehensive Zoning Provisions in Title 19, Maui County Code, occurred on real property owned by one or both Defendants at 1017 Houston Street and 260 Ilima Place, Lanai City, Hawaii, and seeks an injunction to enforce compliance and payment of civil fines for the violations.
2. Correspondence dated February 11, 2019, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI vs. PEDRO TOLENTINO, JR., ET AL., CIVIL NO. 18-1-0124(1)," and transmitting another copy of the complaint.

**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

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anticipated pursuant to 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 12-03-2018

Correspondence from Corporation Counsel 02-11-2019

**LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY V. COUNTY OF MAUI, ET AL., CIVIL 18-1-0234(2)) (GET-11(3))**

**Description:** The Committee is in receipt of correspondence dated February 25, 2019, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on Jacob Firth and Elva Marie Espinosa Brumblay v. County of Maui, et al., Civil 18-1-0234(2), and consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY v. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2)," and transmitting a copy of the complaint. The purpose of the proposed resolution is to authorize settlement of the case. The complaint alleges negligence by the County and the State of Hawaii while Plaintiff Jacob Firth was in their custody during the period of February 21, 2018 to February 22, 2018, resulting in injuries and damages to Mr. Firth, as well as loss of companionship for Jacob Firth's mother, Elva Marie Espinosa Brumblay.

**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 pursuant to 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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Correspondence from Corporation Counsel 02-25-2019

**APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY) (GET-1(3))**

**Description:** The Committee is in receipt of the following:  
1. Correspondence dated March 1, 2019, from the Mayor, transmitting a proposed resolution to approve the appointment of Donald S. Guzman

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- as Prosecuting Attorney, pursuant to Charter Sections 6-2(5) and 8-3.2.
2. Correspondence dated March 4, 2019, from the Department of the Corporation Counsel, transmitting the following:
    - a. A revised proposed resolution entitled "APPROVING THE MAYOR'S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY." The purpose of the revised proposed resolution is to approve the Mayor's appointment of Donald S. Guzman as Prosecuting Attorney. The revised proposed resolution incorporates the minimum qualifications for the position, as set forth in Section 2.14.110, Maui County Code, effective January 2, 2019, and nonsubstantive revisions.
    - b. A proposed resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY." The purpose of the proposed resolution is to disapprove the Mayor's appointment of Donald S. Guzman as Prosecuting Attorney, pursuant to Charter Sections 6-2(5) and 8-3.2.

**Status:** The Council must confirm or deny the appointment by April 30, 2019, or the appointment will be deemed confirmed. The Committee may consider whether to recommend adoption of the revised proposed resolution approving the appointment or the proposed resolution disapproving the appointment, with or without further revisions. The Committee may also consider other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees; or 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 Mayor 03-01-2019

Correspondence from Corporation Counsel 03-04-2019

**REMOTE TESTIMONY SITES**

Hana	Lanai	Molokai
Council District Office	Council District Office	Council District Office
Hana Community Center	Lanai Community Center	100 Ainoa Street
5091 Uakea Road	8th Street	Kaunakakai, Hawaii
Hana, Hawaii	Lanai City, Hawaii	

**CONTACT INFORMATION**

Office of Council Services	(808) 270-7838 (phone)	(808) 270-7686 (fax)
200 South High Street	(800) 272-0098 (toll-free from Lanai)	
Wailuku, Hawaii 96793	(800) 272-0026 (toll-free from Molokai)	

**COMMITTEE STAFF**

Shelly Espeleta and Pauline Martins

**BOARD PACKETS**

Board packets, as defined in Section 92-7.5 of the Hawaii Revised Statutes, are available for inspection at the Office of Council Services. Board packets are also available electronically as soon as practicable upon request.

**TESTIMONY**

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. For more information on testifying please visit [www.MauiCounty.us/how-to-testify](http://www.MauiCounty.us/how-to-testify) or contact the Office of Council Services. If written testimony is submitted at the meeting site, 16 copies are requested. Email testimony to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us).

**DISABILITY ACCESS**

People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.

**LIVE CABLECAST**

Available on Akaku: Maui Community Media, Channel 53.

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Agenda items are subject to cancellation.