



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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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

**Tuesday, February 18, 2020**

**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

2020 FEB 12 PM 2:20

RECEIVED

## AGENDA

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:  
NORIYOSHI MAKABE AND MASAMI MAKABE, AS  
CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED  
PERSON V. DEPARTMENT OF PARKS AND RECREATION, ET AL.;  
CIVIL 18-1-0346(1)) GET-11(33)**

**Description:** The Committee is in receipt of correspondence dated January 8, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON VS. PARKS AND RECREATION DEPARTMENT, COUNTY OF MAUI, ET AL., CIVIL NO 18-1-0346(1)." The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges four counts related to negligence, premises liability, negligent infliction of emotional distress, and public nuisance, as a result of a large ironwood tree branch which fell and struck Mr. Hayato Makabe at Kanaha Beach Park, Kahului, Maui, Hawaii, on or about October 3, 2017.

**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

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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 01-08-2020

## **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (GET-2(30))**

**Description:** The Committee is in receipt of correspondence dated and received on January 22, 2020, from the Acting Mayor, transmitting the following:

1. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of James "Ipo" Mossman (Reappointment) to the Affirmative Action Advisory Council for a term beginning on April 1, 2020, and expiring on March 31, 2025.
2. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Linda Kay Okamoto and Shanna Willing to the Board of Ethics for terms beginning on April 1, 2020, and expiring on March 31, 2025.
3. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Colin Yamamoto to the Civil Service Commission for a term beginning on April 1, 2020, and expiring on March 31, 2025.
4. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Elizabeth Fujii to the Commission on Children and Youth for a term beginning on April 1, 2020, and expiring on March 31, 2025.
5. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Agnes Groff and Arleen Gerbig to the Council on Aging for terms beginning on April 1, 2020, and expiring on March 31, 2025.
6. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Max Kincaid, Jr. and Punahela Alcon to the Fire and

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- Public Safety Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
7. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Douglas Mardfin and Dean Wariner to the Hana Advisory Committee for terms beginning on April 1, 2020, and expiring on March 31, 2025.
  8. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of James Jones (Reappointment) and Curtis Tom (Agricultural Lending or Banking Community) to the Kula Agricultural Park Committee for terms beginning on April 1, 2020, and expiring on March 31, 2025.
  9. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Sally Kaye and John Ornellas to the Lanai Planning Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
  10. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Colleen Cluney to the Liquor Control Adjudication Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.
  11. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Pedro Venenciano (Reappointment) and Linda Fernandez to the Liquor Control Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
  12. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Robert Carroll (Reappointment) and John Copeland to the Maui County Commission on Persons with Disabilities for terms beginning on April 1, 2020, and expiring on March 31, 2025.
  13. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO

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THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI,” with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nominations of Dale Thompson (Reappointment) and Jennifer Salisbury to the Maui Planning Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.

14. A proposed resolution, entitled “APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY,” with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nomination of George Kaho’ohanohano to the Maui Redevelopment Agency for a term beginning on April 1, 2020, and expiring on March 31, 2025.
15. A proposed resolution, entitled “APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI,” with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nominations of Frank De Rego, Jr. and Janet Kuwahara to the Police Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
16. A proposed resolution, entitled “APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI,” with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nomination of Georgina Kawamura to the Real Property Tax Review Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.
17. A proposed resolution, entitled “APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI,” with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nominations of Paul Kailiponi (Reappointment) and Edwin Misaki to the Salary Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
18. A proposed resolution, entitled “APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI,” with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nominations of Marie Kimmey (Architect), Mandy Saito (Civil Engineer), John Gerdel (Alternate) (Architect), and Paul Areus (Alternate) (Architect) to the Urban Design Review Board. Except for Mandy Saito who will continue her current term expiring on March 31, 2024, the terms for Marie Kimmey, John Gerdel, and Paul Areus will begin on April 1, 2020 and expire on March 31, 2025.

**Status:** Except for the Kula Agricultural Park Committee, Maui Redevelopment Agency, and Urban Design Review Board, the Council must approve or disapprove the nominations listed above by March 22, 2020, or the

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nominations will be deemed approved. There are no deadlines for the Council to approve or disapprove the nominations to the Kula Agricultural Park Committee, Maui Redevelopment Agency, and Urban Design Review Board. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

Correspondence from Acting Mayor 01-22-2020

## **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (GET-2(31))**

**Description:** The Committee is in receipt of correspondence dated and received on January 30, 2020, from the Mayor, transmitting the following:

1. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Caron Green to the Board of Variances and Appeals for a term beginning on April 1, 2020, and expiring on March 31, 2025.
2. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Emily Spenser, Brandis Sarich, and Marinel Yumol to the Maui County Cultural Resources Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
3. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Christopher Curtis (Land Architect) and Joshua Circle-Woodburn (Alternate) (Land Architect) to the Urban Design Review Board for terms beginning on April 1, 2020, and expiring on March 31, 2025.

**Status:** Except for the Urban Design Review Board, the Council must approve or disapprove the nominations listed above by March 30, 2020, or the nominations will be deemed approved. There is no deadline for the Council to approve or disapprove the nominations to the Urban Design Review Board. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

Correspondence from Mayor 01-30-2020

## **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (GET-2(32))**

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**Description:** The Committee is in receipt of correspondence dated January 31, 2020, from the Mayor, transmitting the following:

1. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Ivan Lay to the Board of Variances and Appeals for a term beginning on April 1, 2020, and expiring on March 31, 2025.
2. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Robbie Sanches to the Liquor Control Adjudication Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.

**Status:** The Council must approve or disapprove the nominations by March 31, 2020, or the nominations will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

Correspondence from Mayor 01-31-2020

## **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF ETHICS) (GET-2(33))**

**Description:** The Committee is in receipt of correspondence dated and received on February 3, 2020, from the Mayor, transmitting a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF TRAVIS THOMPSON TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Travis Thompson to the Board of Ethics, for a term expiring on March 31, 2021, to fill a vacancy due to the resignation of David Courson.

**Status:** The Council must approve or disapprove the nomination by April 3, 2020, 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 02-03-2020

## **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KEVIN BARHAM; CLAIM 30181452447-0003 (GET-11(24))**

**Description:** The Committee is in receipt of correspondence dated September 5, 2019, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "authorizing settlement of claim no. 30181452447-0003 of kevin barham." The purpose of the proposed resolution is to authorize

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settlement of the claim. The claim alleges bodily injuries sustained by Mr. Barham from a collision involving a Maui County Police fleet vehicle on Honoapiilani Highway, Lahaina, Maui, Hawaii, on November 1, 2018.

**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.

Correspondence from Corporation Counsel 09-05-2019

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

Lesley Milner 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.