



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, June 2, 2020

9:00 a.m.

MEETING SITE:

Online Only

Phone testimony: 1-408-915-6290, meeting code 551 273 481

Video testimony: <https://bluejeans.com/551273481>

View live: Akaku, Channel 53 or mauicounty.us/agendas

*Subject to change without notice. Visit mauicounty.us for more information.

RECEIVED
2020 MAY 27 PM 3:19
OFFICE OF THE
COUNTY CLERK

AGENDA

BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS (GET-19)

Description: The Committee is in receipt of the following:

1. County Communication 19-107, from Councilmember Michael J. Molina, relating to the United States Federal Reserve System's order requiring the Bank of America to provide mortgages on Hawaiian Home Lands.
2. County Communication 19-108, from Presiding Officer Pro Tempore Tasha Kama, relating to Bank of America's \$150,000,000 loan commitment for Native Hawaiians on Hawaiian Home Lands.
3. County Communication 19-337, from Presiding Officer Pro Tempore Tasha 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." The purpose of the proposed resolution is to authorize the employment of special counsel to investigate and litigate actionable claims against Bank of America and the banking and mortgage industry.
4. County Communication 19-338, from Council Chair Kelly T. King, attaching copies of County Communication 19-107 from

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Councilmember Michael J. Molina, and County Communication 19-108 from Presiding Officer Pro Tempore Tasha Kama, relating to this matter.

Status: The Committee may discuss the matter. No legislative action will be taken.

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.

[County Communication 19-107](#)

[County Communication 19-108](#)

[County Communication 19-337](#)

[County Communication 19-338](#)

LITIGATION MATTERS (STATUS: COUNTY OF MAUI V. RICK MARKHAM, ET AL.; CIVIL 17-1-0393(2)) (GET-11(10))

Description: The Committee is in receipt of correspondence dated May 4, 2020, from the Department of the Corporation Counsel, requesting the opportunity to discuss the status of the case.

Status: The Committee may discuss the matter. 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 05-04-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII PACIFIC TRENCHLESS, INC. V. GOODFELLOW BROTHERS, LLC, ET AL., CIVIL 2CC181000436(2)) GET-11(34)

Description: The Committee is in receipt of correspondence dated April 24, 2020, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF HAWAII PACIFIC TRENCHLESS, INC. VS. GOODFELLOW BROTHERS, LLC, ET AL., CIVIL NO. 2CC181000436(2)." The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges the following damages: (1) unjust enrichment; (2) negligent misrepresentation; and (3) promissory estoppel regarding its performance as a subcontractor on the Kihei Force Main 16 Project (C6177), a construction project at Kihei, Maui, Hawaii.

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Status: The Committee may consider whether to recommend adoption of a revised proposed resolution. 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 04-24-2020](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION) (GET-11(38))

Description: The Committee is in receipt of the following:

1. Correspondence dated May 12, 2020, from the Department of the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY."
2. Correspondence dated May 14, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY." The purpose of the revised proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for settlement of the case relating to alleged violations of the Hawaii Occupational Safety and Health Standards by the Department of Fire and Public Safety, regarding training, use of protective equipment, and reporting of employee injuries in January 2020, as described in the respective Citation(s) and Notification of Penalty.

Status: The Committee may consider whether to recommend passage of the

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revised proposed bill on first reading, 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 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 05-14-2020](#)

CONTACT INFORMATION

Office of Council Services (808) 270-7838 (phone)
200 South High Street
Wailuku, Hawaii 96793

COMMITTEE STAFF

Shelly Espeleta, James Forrest, and Pauline Martins

BOARD PACKETS

The requirements of Chapter 92, HRS, have been suspended under Governor Ige's Supplementary Proclamation issued on April 25, 2020. While the Governor's proclamation is in effect, no failure to comply with Chapter 92, HRS, will invalidate a public agency's deliberations or actions taken.

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier will be allowed to speak for three minutes on each item.

Oral testimony via phone by dialing in to 1-408-915-6290 and entering meeting code 551 273 481

Video testimony via BlueJeans link <https://bluejeans.com/551273481>

Email written testimony to get.committee@mauicounty.us

For more information on testifying, please visit www.MauiCounty.us or contact the Office of Council Services.

LIVE CABLECAST

Available on Akaku: Maui Community Media, Channel 53 or mauicounty.us/agendas.

Agenda items are subject to cancellation.