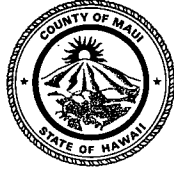


CHARMAINE TAVARES
Mayor



BRIAN T. MOTO
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

TELEPHONE: (808) 270-7741

FACSIMILE: (808) 270-7152

March 3, 2009

MEMO TO: Danny A. Mateo, Council Chair
County Council

FROM: Brian T. Moto
Corporation Counsel

A handwritten signature in black ink, appearing to read "Brian T. Moto", is written over the typed name and title.

RE: "An Ordinance Acknowledging the Reinstatement of the
Hawaiian Kingdom Nation"

The purpose of this memorandum is to provide a brief response to your memorandum, dated February 24, 2009, requesting that we review a draft ordinance entitled, "An Ordinance Acknowledging the Reinstatement of the Hawaiian Kingdom Nation and the Perfect Right of the Reinstated Hawaiian Government to Initiate the Transition of Government Powers to Share Jurisdiction and Revenue of Hawaiian Government and Crown Lands Currently Under County of Maui Management and to Prevent County of Maui Government Officials and Employees from Receiving Human Rights Violation(s)". The draft ordinance was submitted by Mr. Nelson Armitage. A copy of your memorandum and the draft ordinance are attached hereto.

As discussed, we have reviewed the draft ordinance and have concluded that, for reasons summarized briefly below, Corporation Counsel cannot, and does not, approve the draft as to legality.

The powers of the several counties are derived from Article VIII of the Hawaii State Constitution and Chapter 46, Hawaii Revised Statutes. The draft ordinance provides for certain actions that exceed the powers of the County of Maui under Article VIII and Chapter 46, and the ordinance attempts to address certain matters that are beyond the jurisdiction of the County of Maui. Further, the draft ordinance appears to be based on certain legal and factual assumptions or interpretations that are unlikely to withstand legal challenge because they conflict with controlling provisions of: the Admission Act; the United States and Hawaii State Constitutions; the Hawaii Revised Statutes; the Revised Charter of the County of Maui (1983), as amended; and the Maui County Code.

BTM:lak
attachment

Council Chair
Danny A. Mateo

Vice-Chair
Michael J. Molina

Council Members
Gladys C. Baisa
Jo Anne Johnson
Sol P. Kaho'ohalahala
Bill Kauakea Medeiros
Wayne K. Nishiki
Joseph Pontanilla
Michael P. Victorino



Director of Council Services
Ken Fukuoka

RECEIVED
CORPORATE COUNSEL

FEB 25 AM 10:23

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 24, 2009

MEMO TO: Brian Moto
Corporate Counsel

F R O M: Danny A. Mateo *DAM*
Council Chair

SUBJECT: AN ORDINANCE ACKNOWLEDGING THE REINSTATEMENT
OF THE HAWAIIAN KINGDOM NATION

Attached for your review is a draft Ordinance, entitled "An Ordinance Acknowledging the Reinstatement of the Hawaiian Kingdom Nation and the Perfect Right of the Reinstated Hawaiian Government to Initiate the Transition of Government Powers to Share Jurisdiction and Revenue of Hawaiian Government and Crown Lands Currently Under County of Maui Management and to Prevent County of Maui government Officials and Employees From Receiving Human Rights Violation(s)," received from Mr. Nelson Armitage.

Please review and advise if any further action is required. If your schedule permits, would you be able to meet with me on Friday, February 27, 2009? Please contact my office at (808)270-7678 to schedule a meeting.

Thank you for your time on the matter.

cht

Attachment
Doc090224

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ACKNOWLEDGING THE REINSTATEMENT OF THE HAWAIIAN KINGDOM NATION AND THE *PERFECT RIGHT* OF THE REINSTATED HAWAIIAN GOVERNMENT TO INITIATE THE TRANSITION OF GOVERNMENT POWERS TO SHARE JURISDICTION AND REVENUE OF HAWAIIAN GOVERNMENT AND CROWN LANDS CURRENTLY UNDER COUNTY OF MAUI MANAGEMENT AND TO PREVENT COUNTY OF MAUI GOVERNMENT OFFICIALS AND EMPLOYEES FROM RECEIVING HUMAN RIGHTS VIOLATION(S).

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF MAUI:

SECTION 1. This Council acknowledges the importance and the application of international law. In U.S. Public Law 103-150, the United States federal government admitted it violated international law when it participated in the 1893 overthrow of the Kingdom of Hawai'i and its lawful government. By authorizing Act 359 in 1993, the State of Hawaii acknowledged and recognized the right of the native Hawaiian people to be governed by a sovereign nation of their own choosing.

SECTION 2. This Council acknowledges the reinstated Hawaiian Kingdom and the *perfect right* possessed by the Hawaiian people to reinstate their sovereign nation and government without the involvement of the United States of America, the corporate State of Hawaii and the County of Maui.

SECTION 3. This Council acknowledges the legal consequences of the 1893 overthrow and supports further diplomatic efforts with the reinstated Hawaiian Kingdom.

SECTION 4. In anticipation of the resolution of the legal concerns between the United States federal government and the reinstated Hawaiian Kingdom government, no restrictions shall be placed by the County of Maui upon the Government Authorized Exercises (GAE) of the reinstated Kingdom of Hawai'i. These exercises include, but are not limited to the right to travel, to conduct business and reclamation of Hawaiian Government lands and Crown lands, etc.

SECTION 5. The real property, properly identified as Hawaiian Government lands and Crown lands, are reserved to the reinstated Kingdom of Hawai'i. Such lands that are currently under the management of the county government shall be administered under the shared jurisdiction of the County of Maui and the reinstated Kingdom of Hawai'i.

SECTION 6. A moratorium shall be placed upon the sale of lands currently under the management of the County of Maui for public and private developments, until all matters are approved by the reinstated Hawaiian Kingdom. A moratorium shall also be placed upon County of Maui foreclosure proceedings involving the sale of private lands owned by Kanaka Maoli. These moratoriums indemnify the County of Maui from the liabilities otherwise accrued through acts of oppression and suppression against the reinstated Kingdom of Hawai'i and its nationals.

SECTION 7. Revenues generated by the taxes upon persons and businesses currently on Hawaiian Government lands and Crown lands -- including revenues generated by chattel on said lands -- shall be divided equally between the County of Maui and the reinstated Hawaiian Kingdom.

SECTION 8. A committee shall be established to serve as the channel for communications between the County of Maui and the reinstated Hawaiian Kingdom. The committee will consist of six members: three to be appointed by the Mayor of the County of Maui and three to be appointed by the Prime Minister of the reinstated Kingdom of Hawai'i.

SECTION 9. The transition of the County of Maui from the jurisdiction of the United States to the reinstated Kingdom of Hawai'i will occur over a term of four years, having commenced on February 1, 2009. All county officials and employees shall retain their positions during this transition period.

SECTION 10. The passage of this ordinance assures that good faith measures between the County government of Maui and the reinstated Kingdom of Hawai'i are respected during the transition phase and shall be in full force and effect.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF MAUI

Wailuku, Maui

Date of Introduction:

Date of 1st Reading:

Date of 2nd Reading:

Effective Date: