

**POLICY COMMITTEE**  
Council of the County of Maui

**Meeting Agenda**

**Wednesday, November 2, 2011**  
**9:00 a.m.**

**Council Chamber, 8<sup>th</sup> Floor**  
**200 South High Street, Wailuku, Hawaii**

website: <http://www.mauicounty.gov/committees/POL>

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**VOTING MEMBERS**

**G. Riki Hokama, Chair**

**Robert Carroll, Vice-Chair**

**Gladys C. Baisa**

**Elle Cochran**

**Donald G. Couch, Jr.**

**Danny A. Mateo**

**Joseph Pontanilla**

**Michael P. Victorino**

**Mike White**

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Carla Nakata or Tammy Frias) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be suspended pursuant to the Rules of the Council, provided a suspension would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting, 16 copies are requested.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

**POL-10(3) PROPOSED CHARTER AMENDMENTS (OFFICE OF THE COUNTY AUDITOR)**

**DESCRIPTION:**

The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-143 from Councilmember Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to establish an Office of the County

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Auditor to strengthen the auditing function in County government and to ensure that the agencies and programs of the County are held to the highest standard of accountability to the public.

**STATUS:** The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-143 and other related action.

**POL-10(4) PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING DIRECTOR)**

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

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-165 from Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING DIRECTOR". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Council approval of the Mayor's appointment of the Planning Director should be required.

**STATUS:** The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-165 and other related action.

**POL-10(5) PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE)**

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

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-166 from Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Council approval of the Mayor's appointment of the Director of Finance should be required.

**STATUS:** The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-166 and other related action.

**POL-1(18) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION AND INDEMNIFICATION AUTHORIZATION: JACKI JURA V. COUNTY OF MAUI, ET AL.; CIVIL 11-00338 SOM RLP)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 26, 2011, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL COX FRICKE A LIMITED LIABILITY LAW PARTNERSHIP LLP, IN JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP". The purpose of the proposed resolution is to authorize the employment of the firm of Cox Fricke A Limited Liability Law Partnership LLP as special counsel to represent Defendant Marie J. Kosegarten in her individual and official capacities in the case, for a total compensation not to exceed \$100,000. Attached with the proposed resolution are a copy of a Letter of Interest and Statement of

Qualifications for the law firm and a copy of the Complaint. The Complaint alleges that Ms. Jura was the subject of discrimination and unlawful employment practices during her employment as a Deputy Prosecuting Attorney for the County. The Complaint also alleges Defendant Kosegarten defamed Ms. Jura.

2. A proposed resolution entitled "INDEMNIFYING BENJAMIN M. ACOB AND MARIE J. KOSEGARTEN IN JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP". The purpose of the proposed resolution is to indemnify former Prosecuting Attorney Benjamin M. Acob and former Deputy Prosecuting Attorney Marie J. Kosegarten in this case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolutions, with or without 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)(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.