

POLICY COMMITTEE

Council of the County of Maui

MINUTES

August 30, 2012

Council Chamber, 8th Floor

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember G. Riki Hokama, Chair
Councilmember Gladys C. Baisa, Member
Councilmember Donald G. Couch, Jr., Member
Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member (In 9:08 a.m.)
Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member

EXCUSED: Councilmember Robert Carroll, Vice-Chair
Councilmember Elle Cochran, Member

STAFF: Carla Nakata, Legislative Attorney
Tammy M. Frias, Committee Secretary
Regina Gormley, Legislative Attorney

ADMIN.: Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel
Edward S. Kushi Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

PRESS: *Akaku--Maui County Community Television, Inc.*

CHAIR HOKAMA: . . .(*gavel*). . . The Policy Committee. . .its meeting of August 30th, 2012 shall come to order. Members, thank you very much for making this. . .meeting that was requested by Corporation Counsel Wong.

Today, we are fortunate to have Members Baisa, Couch, Mateo, Victorino. . .

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR HOKAMA: . . .and White. The Chair excuses Mr. Carroll, Ms. Cochran, and Mr. Pontanilla.

At this time, the Chair will ask if there's anyone that has requested to provide testimony for today's meeting?

MS. FRIAS: No, Mr. Chair.

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CHAIR HOKAMA: Having none, Members, with no objections, we shall close testimony for today's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, Members. So ordered.

ITEM POL-1(8): LITIGATION MATTERS (CHERYL CABEBE, ET AL. V. NEW SAND HILLS, LLC, ET AL.; CIVIL 09-1-0245(1); KAREN GOO, ET AL. V. MAYOR CHARMAINE TAVARES, ET AL.; PENDING BEFORE THE INTERMEDIATE COURT OF APPEALS AS 30142)
(CC 11-30)

CHAIR HOKAMA: May I direct you to Policy Item 1(8) under Litigation Matters, we have the Cheryl Cabebe, et al. v. New Sand Hills LLC, et al.; Civil No. 09-1-0245(1); Karen Goo, et al. v. Mayor Charmaine Tavares, et al.; pending before the Intermediate Court of Appeals as 30142.

This morning, we'll ask Mr. Wong for his comments to the Committee regarding this matter and if executive session is required, we shall enter. Mr. Wong.

MR. WONG: First of all, thank you, Chair and Committee Members, for convening today to . . . allow me the opportunity to present the status update in this case. Currently, the matter before you is set for trial before Judge Rhonda Loo on October 29, 2012. There's a continued Status/Settlement Conference set for September 14, 2012 at 3:30. I have been actively negotiating with the opposing counsel in this matter, and I wanted to provide this Committee with the most current information as I go into the further conference in September. Given the nature of the information I intend to present and the fact that we have not yet completely resolved the claims with the trial date pending in October, I request that the presentation be continued into executive session.

CHAIR HOKAMA: Okay. Thank you very much. Are there any questions to the Corporation Counsel prior for the Chair considering a motion for executive session? Okay. Having no questions for the Chair or for Mr. Wong, the Chair will entertain a motion to enter into executive session. Ms. Baisa.

COUNCILMEMBER BAISA: So, so moved.

COUNCILMEMBER VICTORINO: Second.

CHAIR HOKAMA: Thank you. I have motion made by Ms. Baisa, seconded by Mr. Victorino.

MS. NAKATA: Mr. Chair.

CHAIR HOKAMA: Yes.

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MS. NAKATA: And is this pursuant to Section 92-5(a)(4)?

CHAIR HOKAMA: Thank you. I need to state. . .we are going to enter. . .if this motion passes, Members, we shall enter executive session by Hawaii Revised Statutes Section 92-5(a) [*sic*] to consult with legal counsel on questions and issues pertaining to the rights, powers, duties, privileges, immunities, and liabilities of the County, the Council, and this Committee. The Chair would also recognize the presence of Mr. Pontanilla before the vote. Any further discussion? If not, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no". Motion passes, seven ayes, two excused; Mr. Carroll and Ms. Cochran.

VOTE: AYES: Chair Hokama and Councilmembers Baisa, Couch, Mateo, Pontanilla, Victorino, and White.

NOES: None.

EXC.: Vice-Chair Carroll and Councilmember Cochran.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVE; RECESS open meeting and CONVENE executive meeting.

CHAIR HOKAMA: We are in recess. . . (*gavel*). . .

RECESS: 9:09 a.m.

RECONVENE: 9:37 a.m.

CHAIR HOKAMA: . . . (*gavel*). . . The Policy Committee shall readjourn [*sic*] in open session, Members.

Thank you for that review that we had in executive regarding this matter. There being no action required, are there any questions or comments regarding what is on the agenda for today?

ACTION: DEFER pending further discussion.

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CHAIR HOKAMA: Having none, then this Policy meeting is adjourned. . . .(*gavel*). . .

ADJOURN: 9:38 a.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy Committee

pol:min:120830

Transcribed by: Tammy M. Frias