

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

Meeting Agenda

Monday, January 28, 2013

9:00 a.m.

MEETING SITE: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

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REMOTE TESTIMONY SITES: Hana Council District Office, Hana Community Center, 5091 Uakea Road, Hana, Hawaii
Lanai Council District Office, Lanai Community Center, 8th Street, Lanai City, Hawaii
Molokai Council District Office, 100 Ainoa Street, Kaunakakai, Hawaii

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

VOTING MEMBERS

G. Riki Hokama, Chair

Donald G. Couch, Jr., Vice-Chair

Gladys C. Baisa

Robert Carroll

Elle Cochran

Stacy Crivello

Don S. Guzman, Esq.

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 (Kirstin Hamman 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 modified pursuant to the Rules of the Council, provided a modification 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 site, 16 copies are requested to ensure distribution at the meeting.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of Council Services prior to the meeting. While oral testimony is being received, the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

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.

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PIA-2(1) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (SALARY COMMISSION)

DESCRIPTION: The Committee is in receipt of County Communication 13-46, from the Mayor, dated January 10, 2013 (received January 10, 2013), transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE SALARY COMMISSION", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Carol Reimann to the Salary Commission, for a term expiring on March 31, 2015, to fill a vacancy due to the resignation of Johanna Amarin.

STATUS: The Council must approve or disapprove the nomination by March 11, 2013, 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 the filing of County Communication 13-46 and other related action.

PIA-1(1) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL.; CIVIL 11-00778 BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 11-00778 BMK" and transmitting a copy of the complaint. The complaint alleges Ms. Motelewski was unlawfully arrested and suffered severe emotional distress, economic losses, and loss of enjoyment of life as a result of her arrest on August 17, 2008. The purpose of the proposed resolution is to authorize settlement of the case.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, 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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

PIA-1(2) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: UNITED PUBLIC WORKERS, LOCAL 646 AND COUNTY OF MAUI, HOLIDAY PAY CLASS ACTION GRIEVANCE; CASE CU-03-71)

DESCRIPTION: The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF UNITED PUBLIC WORKERS, LOCAL 646 AND COUNTY OF MAUI, HOLIDAY PAY CLASS ACTION GRIEVANCE, CASE NO. CU-03-71" and transmitting a copy of the grievance form. The grievance alleges that all Unit 1 employees on leave of absences without pay before, during, or after a holiday observance were entitled to holiday pay. The purpose of the proposed resolution is to authorize settlement of the case.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, 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.

PIA-1(3) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)

- DESCRIPTION:** The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE SETTLEMENT IN HAWAII WILDLIFE FUND ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK" and transmitting a copy of the complaint. The complaint alleges violations of the Clean Water Act caused by discharges from injection wells operated by the County at the Lahaina Wastewater Reclamation Facility into the waters of West Maui.
- STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, 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.

PIA-1(4) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: WILLIAM REVIS, ANTHONY LEVOY V. KENT R. SMITH, ET AL.; CIVIL 10-1-0672(1); KAHAKULOA ACRES PRIVATE WATER COMPANY, INC., ET AL. V. KENT R. SMITH, ET AL., CIVIL 08-1-0617(3))

- DESCRIPTION:** The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WILLIAM REVIS, ANTHONY LEVOY V. KENT R. SMITH, ET AL., CIVIL NO. 10-1-0672(1); AND KAHAKULOA ACRES PRIVATE WATER COMPANY, INC., ET AL. V. KENT R. SMITH, ET AL.; CIVIL NO. 08-1-0617(3)". The complaints allege damages arising from the construction and development of a private water system located within the Kahakuloa District. The purpose of the proposed resolution is to authorize settlement of the cases.
- STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, 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.

PIA-1(5) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. FELICIA PROVENCAL, ET AL.; CIVIL 12-1-0255(1))

- DESCRIPTION:** The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. FELICIA PROVENCAL, CIVIL NO. 12-1-0255(1)" and transmitting a copy of the complaint. The complaint alleges that Ms. Provencal failed to provide map conversion and AutoCAD services as contracted for by the County, resulting in damages to the County totaling \$90,000. The purpose of the proposed resolution is to authorize settlement of the case.
- STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, 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.

PIA-1(6) LITIGATION MATTERS (STATUS: MARIE J. KOSEGARTEN V. DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI, ET AL., CIVIL CV 10-00321 LEK/KSC)

DESCRIPTION: The Committee is in receipt of correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting the opportunity to advise the Committee of the status of the case.

STATUS: The Committee may discuss the status of the case. 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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.