

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**  
Council of the County of Maui

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**Meeting Agenda**

**Monday, February 11, 2013  
9:00 a.m.**

**OFFICE OF THE  
COUNTY CLERK**

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

**REMOTE TESTIMONY SITES: Hana Council District Office, Hana Community Center,  
5091 Uakea Road, Hana, Hawaii  
Lanai Council District Office, Lanai Community Center, 8<sup>th</sup> 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**

**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.*

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

**PIA-2(2) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(VARIOUS)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated January 29, 2013 (received January 29, 2013), from the Mayor, transmitting the following:
1. A proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the nominations of Lorraine Brooks and Earl Fujitani to the Kula Agricultural Park Committee, for terms beginning on April 1, 2013, and expiring on March 31, 2018.
  2. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Carol Ball to the Maui Redevelopment Agency, for a term beginning on April 1, 2013, and expiring on March 31, 2018.
  3. A proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the nominations of Frances Feeter, David Green, and Robert Spilker (Alternate) to the Urban Design Review Board, for terms beginning on April 1, 2013, and expiring on March 31, 2018.
- STATUS:** There is no time limitation for Council approval or disapproval of the nominations. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

**PIA-1(7) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL 12-1-0812(2))**

- DESCRIPTION:** The Committee is in receipt of correspondence dated February 1, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING FRANKLYN L. SILVA, JAMES D. LLOY, BILL D. PACHECO AND HARRY MATSUURA, SR. IN JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)", and transmitting a copy of the complaint. The complaint alleges, among other things, retaliation against Mr. Dobbs, a County employee, for reporting allegedly illegal behavior by employees of the Department of Liquor Control, constitutional violations, wrongful termination of employment, and damages. The purpose of the proposed resolution is to indemnify Franklyn L. Silva, Bill D. Pacheco, James D. Lloy, and Harry Matsuura, Sr., current and former County employees, in this 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)(2), Hawaii Revised Statutes ("HRS"), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; and Section 92-5(a)(4), HRS, 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(8) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LARS SANDSTROM V. COUNTY OF MAUI, EEOC CHARGE 486-2009-00343)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated February 1, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROCEEDING

LARS SANDSTROM V. COUNTY OF MAUI, EEOC CHARGE NO. 486-2009-00343”, and transmitting a copy of the United States Equal Employment Opportunity Commission’s January 3, 2013, letter of determination. The letter of determination notes that Mr. Sandstrom alleges that the Department of Police failed to hire him for the position of Police Officer I based on his age. 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(9)      LITIGATION MATTERS (SPECIAL COUNSEL: JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL 11-00338 SOM RLP)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 1, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING ADDITIONAL COMPENSATION FOR 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”, and transmitting a copy of the complaint and other related pleadings in this case. 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 purpose of the proposed resolution is to authorize \$100,000 in additional compensation for the firm of Cox Fricke A Limited Liability Law Partnership LLP as special counsel to represent Defendant Marie J. Kosegarten in the case, for a total compensation not to exceed \$200,000.

**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-6(2)      AMENDMENTS TO THE RULES OF THE COUNCIL (DISTRIBUTION OF WRITTEN MATERIALS)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated January 28, 2013, from Council Chair Gladys C. Baisa, transmitting a proposed resolution entitled “AMENDING THE RULES OF THE COUNCIL RELATING TO DISTRIBUTION OF WRITTEN MATERIALS”. The purpose of the proposed resolution is to amend Rule 19 of the Rules of the Council to strike the procedure allowing a Council member to advocate for a bill or resolution regarding a matter not already pending, in correspondence to the Council Chair for posting.

**STATUS:** The Committee may recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.