

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

2013 MAR -8 AM 9:03

**Meeting Agenda**

**Friday, March 15, 2013  
1:30 p.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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.*

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**PIA-1(24) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL 10-1-1246)**

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 11-30, from Council Chair Danny A. Mateo, relating to litigation matters.
  2. Correspondence dated May 18, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the consolidated appeal, and transmitting a copy of each of the notices of appeal for tax years 2007, 2008, 2009, 2010, and 2011, and the order consolidating the five tax appeals under Tax Appeal 10-1-1246. In its tax appeals, Kaheawa Wind Power, LLC, alleges that the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway.
  3. Correspondence dated March 4, 2013, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE TAX APPEAL OF KAHEAWA WIND POWER, LLC, CASE NO. 10-1-1246". The purpose of the revised proposed resolution is to authorize settlement of the consolidated appeal.
- STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication 11-30 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.

**PIA-1(10) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: APRIL FREELAND, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 11-00617 ACK KSC)**

- DESCRIPTION:** The Committee is in receipt of the following:
1. Correspondence dated February 22, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to indemnify Gary Yabuta, Jerald Perrett, Jeffrey Calibuso, Keoki Santos, Richard Dods, Christopher Gantala, Kenneth Carroll, Clifford Dagulo, Jamie Wright, Matthew Brown, Eduardo Bayle, Christopher Kealoha, Clifton Perreira, Gregg Okamoto, and Matthew Bigoss in April Freeland, et al. v. County of Maui, et al., Civil 11-00617 ACK KSC, and transmitting a copy of the complaint. The complaint alleges employees of the Department of the Police conducted an unlawful search and seizure, and other civil rights violations and other claims, arising from the entry by police officers of the home of Norman and April Freeland in Kihei, Hawaii, on April 15, 2011.
  2. Correspondence dated March 6, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING GARY YABUTA, JERALD PERKETT, JEFFREY CALIBUSO, KEOKI SANTOS, RICHARD DODS, CHRISTOPHER GANTALA, KENNETH CARROLL, CLIFFORD DAGULO, JAMIE WRIGHT, MATTHEW BROWN, EDUARDO BAYLE, CHRISTOPHER KEALOHA, CLIFTON PERREIRA, GREGG OKAMOTO, AND MATTHEW BIGOSS IN APRIL FREELAND, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00617 ACK KSC". The revised proposed resolution incorporates nonsubstantive revisions.
- STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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(11) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: JOSHUA NAKAGAWA V. COUNTY OF MAUI, ET AL., CIVIL 11-00130 LEK BMK; ANTHONY LUM-JOHN V. COUNTY OF MAUI, ET AL., CIVIL 12-00569 JMS RLP (CONSOLIDATED))**

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

1. Correspondence dated February 22, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to indemnify Jun Hattori, Russell Kapahulehua, Erik Losvar, and Harry Matsuura in Joshua Nakagawa v. County of Maui, et al., Civil 11-00130 LEK BMK; and Anthony Lum-John v. County of Maui, et al., Civil 12-00569 JMS RLP (Consolidated), and transmitting a copy of the relevant complaints. The complaints allege assault and battery, and other claims including civil rights violations, against employees of the Department of Police, arising from an incident on Honoapiilani Highway, Maui, Hawaii, on or about July 18, 2010, resulting in injury and damages to Plaintiffs.
2. Correspondence dated March 6, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING JUN HATTORI, RUSSELL KAPAHULEHUA, ERIK LOSVAR, AND HARRY MATSUURA IN JOSHUA NAKAGAWA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00130 LEK BMK AND ANTHONY LUM-JOHN V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-00569 JMS RLP (CONSOLIDATED)". The revised proposed resolution incorporates nonsubstantive revisions.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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 ("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; and Section 92-5(a)(8), HRS, 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(12) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: CHRIS GRINDLING V. ROY HIRAYAMA, ET AL., CIVIL 05-1-0249(3))**

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

1. Correspondence dated February 22, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to indemnify Samuel Ah Loo, Clyde Holokai, Mark Joaquin, Christopher Kenui, and John Surina in Chris Grindling v. Roy Hirayama, et al., Civil 05-1-0249(3), and transmitting a copy of the complaint. The complaint alleges personal injuries suffered by Plaintiff as a result of actions by employees of the Department of Police at the Wailuku Police Station on or about June 5, 2004.
2. Correspondence dated March 6, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING SAMUEL AH LOO, CLYDE HOLOKAI, MARK JOAQUIN, CHRISTOPHER KENUI, AND JOHN SURINA IN CHRIS GRINDLING V. ROY HIRAYAMA, ET AL., CIVIL NO. 05-1-0249(3)". The revised proposed resolution incorporates nonsubstantive revisions.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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 ("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; and Section 92-5(a)(8), HRS, 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(14) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:  
MAXINE ANDRADE V. COUNTY OF MAUI, ET AL.; CIVIL 11-1-0113(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 28, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MAXINE ANDRADE V. COUNTY OF MAUI, CIVIL NO. 11-1-0113(1)" and transmitting a copy of the complaint. The complaint alleges plaintiff sustained injuries as a result of an automobile accident caused during the February 24, 2009, pursuit by the Department of Police of a suspect in another vehicle on Kahekili Highway, Maui, Hawaii. 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 ("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; and Section 92-5(a)(8), HRS, 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(16) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:  
KELLY PAUOLE V. COUNTY OF MAUI; CASE AB 2012-152(M))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated March 5, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KELLY PAUOLE V. COUNTY OF MAUI, CASE NO. AB 2012-152(M)". The claim alleges work-related injuries sustained on November 28, 2006. 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 ("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; and Section 92-5(a)(8), HRS, 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(15) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:  
KENNETH PRATHER V. COUNTY OF MAUI; CASE DCD 07-97-03970)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated March 4, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KENNETH PRATHER V. COUNTY OF MAUI, CASE NO. DCD 07-97-03970". The claim alleges work-related injuries sustained on November 7, 1997. 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 ("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; and Section 92-5(a)(8), HRS, 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.