

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

January 28, 2013

Council Chamber, 8th Floor

CONVENE: 9:01 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Gladys C. Baisa, Member (Out 11:50 a.m.)
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member (In 9:15 a.m.)
Councilmember Don S. Guzman, Member (In 9:04 a.m.)

EXCUSED: Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member

STAFF: Kirstin Hamman, Legislative Attorney
Tammy M. Frias, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Danny A. Mateo, Executive Assistant, Office of the Mayor (Item PIA-2(1))
Lawrence K. Hudson, Assistant Chief, Department of Police (Item PIA-1(1))
Lance T. Hiromoto, Director, Department of Personnel Services (Item PIA-1(2))
Danilo F. Aagsalog, Director, Department of Finance (Item PIA-1(5))
Scott K. Teruya, Administrator, Real Property Tax Division, Department of Finance (Item PIA-1(5))
Gery R. Madriaga, Assistant Administrator, Real Property Tax Division, Department of Finance (Item PIA-1(5))
Moana M. Lutey, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(1) and 1(2))
Jane E. Lovell, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(3) and 1(4))
Mary Blaine Johnston, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(3) and 1(4))
Thomas W. Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(5) and 1(6))
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(1), 1(2), 1(3), 1(4), 1(5), 1(6))
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

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

January 28, 2013

OTHERS: Carol Reimann (Item PIA-2(1))

CHAIR HOKAMA: . . . *(gavel)*. . . The Council's Committee on Policy and Intergovernmental Affairs Committee shall come to order. This is the regular meeting of January 28, 2013. First, Members, you're not on TV today so we can all keep our comments short. Two, we do have present Vice-Chairman Couch, and Members Carroll, Cochran, and Baisa. At this time, the Chair will excuse Member Crivello, White, Guzman, and Victorino. We shall start public testimony at this time. The Committee shall take public testimony on any agenda item that has been posted for today's agenda. We are in the process of trying to see if district office communications is a doable thing for the Council, and so we are in the process of going through this initiative and we'll make our decisions whether or not later it will be a continuing process for Council. Therefore, is there any testimony requested in the Council Chambers?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you. Dawn, in our Hana office, is there any request for testimony in the Hana office?

MS. LONO: Good morning, Chair. There's no one waiting to testify.

CHAIR HOKAMA: Thank you. Ms. Alcon in Molokai, any request for testimony in the Molokai office?

MS. ALCON: No one's here to testify.

CHAIR HOKAMA: Thank you. Denise, in the Lanai office, is there any request for testimony?

MS. FERNANDEZ: Good morning, Chair. No, there's no one to testify.

CHAIR HOKAMA: Thank you. With no objections, Chair is closing testimony for today's meeting at all office at the districts and the Chambers.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you. So ordered. Thank you, ladies, testimony is closed for today.

ITEM PIA-2(1): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(SALARY COMMISSION) (CC 13-42, CC 13-46)

CHAIR HOKAMA: Okay, let us move forward to Policy Committee Item 2(1), under nominations to Boards, Committees, and Commissions. We have a nomination to the County of Maui's

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

January 28, 2013

Commission on Salary [*sic*]. We are in receipt of a County Communication 13-46, from Mayor Arakawa, dated January 10, 2013, whereby he is proposing a resolution nominating the appointment of Ms. Carol Reimann to the Salary Commission for a term expiring March 31st, 2015. And this is due to a vacancy created by the resignation of Ms. Johanna Amorin who we thank for her service to the County. At this time, we'll ask our past colleague, Mr. Mateo, the handsomer version of Mr. Molina to give us any comment on the nomination by the Mayor, please.

MR. MATEO: Thank you, Mr. Chairman, and I concur. Mr. Chairman and Committee Members, good morning. Carol Reimann is being nominated to replace Johanna Amorin on the Salary Commission for a term expiring March 31, 2015. Carol Reimann, as many of you already know, has been very active in government proceedings. Like for example, she's participated in the budget processes that you go through. She also participates in the State Legislature quite frequently. She also has had the opportunity of testifying before this body on many occasions. She's also involved in community service projects such as the kupuna dinners and the visitor charity walks that does provide services to Lanai, Molokai and Maui. And she has indicated that she would make herself available to attend the meetings which usually occur once a month. The Administration supports this nomination. And Mr. Chair and Members, Ms. Reimann is in the gallery this morning and she's ready to respond to questions that you have should you have any. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you, Mr. Mateo. We'll welcome Ms. Reimann to the inquisition. So if you would please come forward, Ms. Reimann. And if you would please introduce yourself starting with your name before the Committee, please.

MS. REIMANN: Good morning, Chair.

CHAIR HOKAMA: Good morning.

MS. REIMANN: Members of the Committee, my name is Carol Reimann and I'm pleased to put my name in for the Salary Commission.

CHAIR HOKAMA: Any other comments you want to share at this time?

MS. REIMANN: Well, I would like the opportunity really to serve my community in a capacity where I could provide some input into compensation for public officials. I have the time. And like Mr. Mateo mentioned, I have sat through many budget process which has afforded me some additional knowledge about the County's business and inner workings of the County.

CHAIR HOKAMA: Okay, thank you. Mr. Couch, do you have any questions you wish to ask Ms. Reimann?

VICE-CHAIR COUCH: No thank you, Chair.

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

January 28, 2013

CHAIR HOKAMA: Ms. Baisa?

COUNCILMEMBER BAISA: No thank you, Chair. I'm very familiar with the applicant. I think she will be an asset to the Salary Commission with her background and particularly her knowledge of the budget. Thank you.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: No, no comments.

CHAIR HOKAMA: Thank you. Mr. Carroll? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, and good morning, Ms. Reimann; nice to see you.

MS. REIMANN: Good morning.

COUNCILMEMBER COCHRAN: Happy New Year! I was just reading your indications of why you're interested in serving and you mentioned fairly compensating our government officials. So I'm just curious what, you know, if you can elaborate a little more on that comment?

MS. REIMANN: Well, I see how hard you all work and upstairs in the Mayor's office and all the various directors and deputy directors. And I just would like an opportunity to have some input in the process that provides compensation amounts. While I sat through the budget process, I'm not really privy to the individual salaries of any individual so I really can't comment on what would be fair and equitable but I would look at all sides of a situation in relation to a person's responsibilities and proposed compensation.

COUNCILMEMBER COCHRAN: Thank you, Ms. Reimann. Thank you, Chair.

CHAIR HOKAMA: Okay. Thank you very much. Just for the Committee, Ms. Reimann, maybe just in general so we can have some understanding of maybe where you see things. I would say a general question what do you believe the Mayor structurally should be the highest paid person in the County government?

MS. REIMANN: You know at this time I'm really not prepared to answer that question. I would really need to dig deep and look into what happens in other municipalities and other areas. And until I can get knowledge of what happens outside of Maui County, I don't feel comfortable answering that at this time.

CHAIR HOKAMA: I'm sure the Mayor wasn't happy with that answer. And another thing, we know the Salary Commission just made a recommendation for a newly created Charter component called the County Auditor that the Council is going to need to flesh out by ordinance and create the staffing and a budget for the auditor. For me, it was kind of interesting that they proposed a salary before they knew how much we were going to task the auditor with the responsibility and

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

January 28, 2013

the size of an office. So do you have any thoughts about that setting a compensation before knowing exactly what and how the auditor is going to perform?

MS. REIMANN: Well, I'm not familiar with what transpired so I really feel that I can't comment on it but I would think that you would need to review everything before setting compensation but I wasn't in the committee and so I'm sure there was a reason for what they did.

CHAIR HOKAMA: You're going to hear many times of us needing to be compared to the City and County of Honolulu. Do you think that is a fair comparison for us and for you when you look at salary requests and . . .

MS. REIMANN: I think Honolulu is a different animal, a different beast so to speak. I think it would be more fair to compare Maui County to a county of same size and the same economics. Honolulu is more like a big city, I think, you know; we're County so, to me, it's two different things.

CHAIR HOKAMA: Yeah.

MS. REIMANN: But once again I haven't been on the committee where the debate has transpired so I can't speak with any expertise on it at this time.

CHAIR HOKAMA: Okay. You are aware that this is just a partial term, Ms. Reimann?

MS. REIMANN: Yes, I am.

CHAIR HOKAMA: Okay, okay. Okay, we all know the rules, Members. So, we'll start charging fines from the next meeting. Any other questions for Ms. Reimann? Okay, Ms. Reimann, any closing comments you want to share? This is your chance.

MS. REIMANN: No. I just look forward to continuing my participation in the government process and I hope you will all vote for me. Thank you.

CHAIR HOKAMA: Thank you very much. We appreciate your presence. I think a lot of times it helps to connect the face and the name.

MS. REIMANN: Glad to be here. Thank you.

CHAIR HOKAMA: Thank you for your presence. Mr. Mateo, any other comments you wish to share regarding the nomination of Ms. Reimann?

MR. MATEO: No other comments at this point, Mr. Chair. Thank you.

CHAIR HOKAMA: Okay. Members, if there's no questions for the Chair, the Chair will be looking for a motion to move forward on the proposed appointment of Carol Reimann to the Salary

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

January 28, 2013

Commission for a term expiring March 31st, 2015, and that the name be placed on Exhibit B for approval, and the filing of County Communication 13-46.

VICE-CHAIR COUCH: Mr. Chair, I move to appoint, to pass the resolution appointing a member of the Salary Commission and moving Ms. Reimann's name to Appendix B *[sic]*.

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

VICE-CHAIR COUCH: And file, I'm sorry, and to file the communication. Thanks.

COUNCILMEMBER BAISA: I second that too.

CHAIR HOKAMA: Thank you, Mr. Couch. I have the motion by Mr. Couch, seconded by Ms. Baisa. One, Members, the Committee shall be voting on a motion to approve the nomination of Carol Reimann to the Salary Commission, March 31st, 2015 term expiration on Exhibit B with the following communication filed 13-46. Any further discussion? All in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed say "no"? Motion carries with six ayes, three excused - Ms. Crivello, Mr. White, and Mr. Victorino. Thank you, Ms. Reimann, for your presence.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, and Guzman.

NOES: None.

EXC.: Councilmembers Crivello, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution approving the nomination and FILING of communication.

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

January 28, 2013

**ITEM PIA-1(1): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL.; CIVIL 11-00778 BMK)
(CC 13-41)**

CHAIR HOKAMA: Okay, we're going to start with the beginning of our litigation matters, Members. First, we shall start with Policy Item 1(1). Thank you, Mr. Mateo. This is under Settlement Authorization: Tracy Motelewski v. Maui Police Department, et al., Civil 11-00778 BMK. We are in receipt of correspondence dated January 18, 2013, from the Corporation Counsel, with a resolution entitled "AUTHORIZING SETTLEMENT OF TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 11-00778 BMK". At this time, we'll ask Mr. Wong and Ms. Lutey if they have any comments in open session, please.

MS. LUTEY: Thank you, Chairman, good morning.

CHAIR HOKAMA: Good morning.

MS. LUTEY: On August 17, 2008, Plaintiff was arrested for possession of drug paraphernalia, specifically glass pipes and drug possession at Puamana Park in Lahaina. Plaintiff was held at the Lahaina Police station for approximately seven hours then released pending investigation. Plaintiff subsequently filed suit against the County of Maui and two former police officers. Plaintiff's counsel has transmitted a demand for settlement to the County of Maui which we would like to present in executive session. This matter is currently pending in Federal Court.

CHAIR HOKAMA: Thank you. Members, any questions for Corporation Counsel in open session? We have a request for executive session later. Okay, no questions at this time. Thank you.

ITEM 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) (CC 13-41)

CHAIR HOKAMA: Let us move on to Item 1(2), under Litigation Matters. We do have a request Settlement Authorization: United Public Workers, Local 646 and County of Maui, Holiday Pay Class Action Grievance; Case CU-03-71. This Committee is in receipt of correspondence dated January 18, 2013, from the Corporation Counsel, with a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE UNITED PUBLIC WORKERS, LOCAL 646 AND COUNTY OF MAUI - HOLIDAY PAY CLASS ACTION GRIEVANCE, CASE NO. CU-03-71". Mr. Wong, any opening comments? Ms. Lutey?

MS. LUTEY: Thank you, Chair. In this manner, the United Public Workers union has filed a class grievance claiming that the County of Maui has violated the collective bargaining agreement by not paying their employees, who are on leave without pay, for holidays that occur during that leave. The State of Hawaii and Kauai County has resolved similar grievances with this union. The UPW has transmitted a proposed settlement that we would like to discuss in executive session. This is currently ongoing litigation.

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

January 28, 2013

CHAIR HOKAMA: Okay, thank you very much. Members, any questions for Corporation Counsel in open session? Okay, thank you. The Chair will note, and my apologies for the record, we do have Mr. Guzman and Ms. Crivello present for the Committee meeting this morning.

ITEM PIA-1(3): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII WILDLIFE FUND ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK (CC 13-41))

CHAIR HOKAMA: So, let's move now to Policy Item 1(3). This is under Litigation Matters - Settlement Authorization: Hawaii Wildlife Fund, et al. v. County of Maui; Civil No. 12-00198 SOM BMK. This also is a transmittal from a correspondence dated January 18, 2013, from Corporation Counsel, with a proposed resolution entitled "AUTHORIZING THE SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". We have Mr. Wong and Ms. Lovell this morning. Who's going to speak? Ms. Lovell, please.

MS. LOVELL: Good morning, Chair and Members. I believe you are already familiar with this action, although we have a couple of new faces on the Council since we were last here. This matter is pending in Federal Court. It involves allegations of Clean Water Act violations. We have been in settlement discussions with the Plaintiffs and we look forward to discussing the matter further with you in an executive session.

CHAIR HOKAMA: Okay. Thank you very much. Members, any questions for Corporation Counsel in open session at this time? Okay, having none; let us move forward.

ITEM 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) (CC 13-41))

CHAIR HOKAMA: Policy Item 1(4). Also under litigation matters, we have a request Settlement Authorization: William Revis, Anthony Levoy v. Kent R. Smith, et al., Civil No. 10-1-0672(1); Kahakuloa Acres Private Water Company, Inc., et al. v. Kent R. Smith, et al., Civil No. 08-1-0617(3). This has been communicated to your Committee on a correspondence dated January 18, 2013, with a request for a proposed resolution regarding settlement authorization. Ms. Lovell, if you would please?

MS. LOVELL: Thank you, Chair. Members, this matter was before the Council previously and a certain dollar amount of settlement authority was approved. We have a new settlement demand from the Plaintiffs and we look forward to discussing that further with you in executive session.

CHAIR HOKAMA: Okay. Thank you very much. Members, any questions for Corporation Counsel at this time? Having none.

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

January 28, 2013

ITEM PIA-1(5): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. FELICIA PROVENCAL, ET AL.; CIVIL 12-1-0255(1)) (CC 13-41)

CHAIR HOKAMA: And I direct you to Policy 1(5), Litigation Matters - Settlement Authorization: County of Maui v. Felicia Provencal, et al.; Civil No. 12-1-0255(1). This also came to us in that correspondence dated January 18, 2013, from Corporation Counsel, with a proposed resolution authorizing the settlement of County of Maui v. Felicia Provencal. Members, if you would note, this is in particular one case where the roles are reversed. Normally, we are taken to court. In this case, the County is taking somebody else to court. So, we have Mr. Kolbe this morning joining us. If you would, please . . .

MR. KOLBE: Good morning. This matter is a collection's action in which we have sued in State Court requesting payment for funds that we had provided to a former contract provider at the Department of Finance with the Real Property Tax Division. We filed a complaint. She timely answered, and at this point, she has hired local counsel, and through negotiations prior to a lot of litigation has proffered an offer of settlement, and I would like to discuss that in executive session, if possible. Thank you.

CHAIR HOKAMA: Thank you. Any questions for Corporation Counsel in open session, Members? Okay, having none.

ITEM 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) (CC 13-41)

CHAIR HOKAMA: Let us move to the last one on the agenda for today. Under Litigation Matters 1(6). We do have a status request regarding the Marie J. Kosegarten v. Department of the Prosecuting Attorney, County of Maui, et al., Civil No. CV 10-00321 LEK/KSC. This Committee is in receipt of correspondence dated January 18, 2013, from the Corporation Counsel, requesting to advise this Committee regarding the status of this case. Mr. Kolbe?

MR. KOLBE: Thank you. This is a Federal case. I imagine that most of the Members are familiar with the facts of this case. It is, in essence, a wrongful termination - Title VII discrimination case. Trial now been moved from February to June and we are in the process of settlement discussions with Magistrate Chang over in Honolulu. Since the time that last we spoke with you, there's been some motions work that's resolved some of the issues. However, there are a number of issues still outstanding and we have recently received a settlement demand from Plaintiff's counsel, and I would request that we discuss that matter in executive session also.

CHAIR HOKAMA: Okay, thank you. Members, any questions for Corporation Counsel at this time? Okay, having none, we are going to be taking a recess shortly, Members, and then enter into executive session through a motion and a vote, but prior to that, since this is the Committee's

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

January 28, 2013

first meeting of the term, let me just give some particulars. When the Chair agenda'd items for consideration, particularly those with litigation issues, please review them. If you feel you have by a membership or some type of relationship whether it be business, social or whatnot, and you feel that it may be a concern, please either let the Chair know and we can deal with a potential conflict of interest or you may, if you feel it is warranted, also write to the Board of Ethics for a consideration, if you feel that is warranted. But I just bring that up. We will be dealing with some serious matters, some sensitive matters. I'm not aware of all of your participation or membership to organizations but please take that into account before we enter into a sensitive area and decisions will be made. Okay, any questions with the Chair's comments? Okay, there being none, the Chair will be looking for a motion to enter into executive session on all items from Policy Item (1)1, 2, 3, 4, 5 and 6, and by rules we are required to have a vote of no less than six affirmative members. Okay. Oh, that's right, and all of us we are going to enter into executive session. We're going to enter into executive session for all the items under basically Section 92-5(a)(4) of the Hawaii Revised Statutes, which allows this Committee to consult with legal counsel on questions and issues relating to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and this Committee. And for Item (1)1 and (1)6, we are also under the opportunity of Section 92-5(a)(8) of the Hawaii Revised Statutes to deliberate and make decision upon a matter that requires consideration of information that must be kept confidential pursuant to a State or Federal law or a court order. So the Chair will be looking for a motion to enter into executive session. Mr. Couch?

VICE-CHAIR COUCH: Mr. Chair, if it pleases you to say so moved, I move; otherwise, I can read the whole thing out from the beginning if you like.

CHAIR HOKAMA: No, that's just perfect, Vice-Chair.

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa to enter into executive session for Policy Items (1)1 through (1)6. Any discussion? All in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no? Motion passes with seven ayes, two excused - Mr. White and Mr. Victorino.

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

January 28, 2013

VOTE: **AYES:** **Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, and Guzman.**

NOES: **None.**

EXC.: **Councilmembers Victorino and White.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

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

CHAIR HOKAMA: We shall stand in recess to prepare for executive session. And Members, I'll let you come back at 9:35, get your refreshments and load up for lunch. . .*(gavel)*. . .

RECESS: 9:27 a.m.

RECONVENE: 12:55 p.m.

CHAIR HOKAMA: . . .*(gavel)*. . . The Policy and Intergovernmental Affairs Committee shall return to open session. We've just completed the requirements of executive session for today's agenda.

ITEM PIA-1(1): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL.; CIVIL 11-00778 BMK (CC 13-41))

ITEM 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) (CC 13-41)

CHAIR HOKAMA: Members, regarding Policy (1)1 and (1)2, the Chair will be looking for a motion to recommend to Council forwarding their resolutions to provide settlement. First one, (1)1, regarding Tracy Motelewski v. Maui Police Department, and the second one - United Public Workers, Local 646 and the County of Maui to be moved forward under the terms and conditions as proposed and discussed in executive session. Mr. Couch?

VICE-CHAIR COUCH: So moved, Mr. Chair.

CHAIR HOKAMA: Thank you.

COUNCILMEMBER CARROLL: Second.

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

January 28, 2013

CHAIR HOKAMA: I have a motion made by Mr. Couch, seconded by Mr. Carroll. This is regarding again, Members, Policy (1)1 and (1)2. Is there any discussion? All in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed say no? Motion passes with six ayes and three excused - Ms. Baisa, Mr. White, and Mr. Victorino.

**VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers
 Carroll, Cochran, Crivello, and Guzman.**

NOES: None.

EXC.: Councilmembers Baisa, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolutions.

**ITEM PIA-1(3): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII
WILDLIFE FUND ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)
(CC 13-41)**

**ITEM PIA-1(5): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF
MAUI V. FELICIA PROVENCAL, ET AL.; CIVIL 12-1-0255(1)) (CC 13-41)**

**ITEM 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) (CC 13-41)**

CHAIR HOKAMA: With no objections Policy Item (1)3, (1)5, and (1)6 shall be deferred. Any objections, Members?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: GCB, MPV, MBW).

CHAIR HOKAMA: Thank you. So ordered.

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

January 28, 2013

ACTION: DEFER pending further discussion.

ITEM 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)) (CC 13-41)

CHAIR HOKAMA: One last item. Today we have Policy Item (1)4, under Settlement Authorization: William Revis, Anthony Levoy v. Kent R. Smith, et al., Civil No. 10-1-0672(1); Kahakuloa Acres Private Water Company, Inc., et al., v. Kent R. Smith, et al., Civil No. 08-1-0617(3), that we recommend to Council settlement of the proposed resolution under the terms and discussion as discussed in executive session. Mr. Couch?

VICE-CHAIR COUCH: So moved.

COUNCILMEMBER CARROLL: Second.

CHAIR HOKAMA: Motion made by Mr. Couch, seconded by Mr. Carroll. Any discussion on the motion before you, Members? Having none, all in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed say no? Motion passes with six ayes, three excused - Ms. Baisa, Mr. White and Mr. Victorino.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Crivello, and Guzman.

NOES: None.

EXC.: Councilmembers Baisa, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

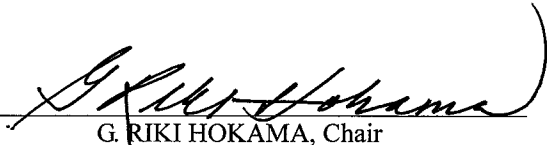
POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

January 28, 2013

CHAIR HOKAMA: There being no other business before the Committee, the Chair thanks you for your presence. I know it was a long day. But this Policy Committee meeting is hereby adjourned. ...*(gavel)*...

ADJOURN: 12:59 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "G. Riki Hokama", is written over a horizontal line.

G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:130128

Transcribed by: Jo-Ann Sato