

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## Meeting Agenda

Friday, April 12, 2013

1:30 p.m.

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>

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

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

- DESCRIPTION:** The Committee is in receipt of the following:
1. Correspondence dated March 21, 2013 (received March 21, 2013), from the Mayor, transmitting a proposed resolution to approve or disapprove the appointment of Steve Aheong to the Cost of Government Commission, for a term expiring on March 31, 2015, along with a completed application form for the nominee.
  2. Correspondence dated March 25, 2013 (received March 25, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Anthony Edington to the Affirmative Action Advisory Council, for a term expiring on March 31, 2018.
  3. Correspondence dated April 5, 2013 (received April 5, 2013), from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION". The purpose of the revised proposed resolution is to approve or disapprove the appointment of Steve Aheong to the Cost of Government Commission, for a term expiring on March 31, 2018.
- STATUS:** The Council must approve or disapprove the nomination to the Cost of Government Commission by May 20, 2013, and the nomination to the Affirmative Action Advisory Council by May 24, 2013, respectively, or the nominations will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution noted in paragraph 2 and the revised proposed resolution noted in paragraph 3, with or without further revisions. The Committee may also consider other related action.

**PIA-2(6) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(LIQUOR CONTROL ADJUDICATION BOARD)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated March 27, 2013 (received March 27, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Kaulana Mossman to the Liquor Control Adjudication Board, for a term expiring on March 31, 2016, to fill a vacancy due to the resignation of Dana Souza.
- STATUS:** The Council must approve or disapprove the nomination by May 26, 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 other related action.

**PIA-2(7) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated March 28, 2013 (received March 28, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Faraz Azizoltani to the Commission on Naming Streets, Parks, and Facilities, for a term expiring on March 31, 2014, to fill a vacancy due to the resignation of Robin Anne Ritchie.
- STATUS:** The Council must approve or disapprove the nomination by May 27, 2013, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with our without revisions. The Committee may also consider other related action.

**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(17) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF BRIDGET NAKAMA)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated April 3, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ORTIZ & KATANO, A LAW CORPORATION, IN THE CLAIM OF BRIDGET NAKAMA AGAINST THE COUNTY OF MAUI" and transmitting a copy of the claim. The claim alleges that on September 4, 2011, Ms. Nakama sustained injuries when she was hit by a police vehicle while walking in a crosswalk at the War Memorial Stadium in Wailuku, Hawaii. The purpose of the proposed resolution is to authorize the employment of Ortiz & Katano, A Law Corporation, as special counsel in the case for a total compensation not to exceed \$60,000.

**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; 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(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 April 1, 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. The Council previously authorized settlement of the case by Resolutions 11-26 and 13-15.

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

**DESCRIPTION:** The Committee is in receipt of correspondence dated April 4, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF 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 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)(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.