

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE RECEIVED

Council of the County of Maui

2014 MAR -6 PM 1: 29

Meeting Agenda

March 13, 2014

9:00 a.m.

**OFFICE OF THE
COUNTY CLERK**

MEETING SITE: Council Chamber, 8th 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, 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

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 (Carla Nakata 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(21) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(VARIOUS)**

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated January 29, 2014 (received January 29, 2014), from the Mayor, transmitting a proposed resolution to approve or disapprove the Mayor's nominees to various boards, committees, and commissions (for terms beginning on April 1, 2014, and expiring on March 31, 2019, unless otherwise indicated), along with completed application forms for the nominees.
2. Correspondence dated February 14, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, AND PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI". The purpose of the revised proposed resolution is to approve or disapprove the Mayor's following nominees to the Cost of Government Commission, Maui County Cultural Resources Commission, and Public Works Commission (for terms beginning on April 1, 2014, and expiring on March 31, 2019, unless otherwise indicated):

A. COST OF GOVERNMENT COMMISSION

1. Calmentina Gomes (Reappointment);
2. Gabriel Hoeffken;
3. Kent Hiranaga;
4. John Watling; and
5. Stanford Lantias.

B. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Francis Skowronski (Reappointment); and
2. Arleen Ricalde-Garcia.

C. PUBLIC WORKS COMMISSION

1. Charlene Shibuya;
2. Derek Ono;
3. June Davis;
4. Darren Okimoto, for a term expiring on 03/31/2018;
5. Cynthia Catugal, for a term expiring on 03/31/2018;
6. Steven Arce, for a term expiring on 03/31/2017;
7. Patrice Matsumoto, for a term expiring on 03/31/2017;
8. Alan Fernandez, for a term expiring on 03/31/2016; and
9. Gregg Nelson, for a term expiring on 03/31/2016.

ALTERNATE:

1. Harry Hecht, for a term expiring on 03/31/2016; and
2. Paul Mikolay, for a term expiring on 03/31/2016.

STATUS: The Council must approve or disapprove the nominations by March 30, 2014, or the nominations will be deemed approved. 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.

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

DESCRIPTION: The Committee is in receipt of correspondence dated February 14, 2014, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on this case.

STATUS: The Committee may discuss the status of the case. 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 (SETTLEMENT AUTHORIZATION: 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))

DESCRIPTION: The Committee is in receipt of correspondence dated February 27, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSHUA NAKAGAWA V. COUNTY OF MAUI, ET AL., CIV. NO. 11-00130 LEK BMK AND ANTHONY LUM-JOHN V. COUNTY OF MAUI, CIVIL NO. 12-00569 JMS RLP (CONSOLIDATED)" and transmitting a copy of the complaints. The complaints allege Mr. Nakagawa and Mr. Lum-John suffered injury and damages when police officers shot them during an incident that occurred on or about July 18, 2010, along Honoapiilani Highway near Punalau Beach. The purpose of the proposed resolution is to authorize settlement of the consolidated cases on behalf of the County and individual defendants Jun Hattori, Erik Losvar, Russell Kapahulehua, and Harry Matsuura.

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(33) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF MYRTLE BATES; CLAIM 2013-1038-15)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated February 27, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the Claim of Myrtle Bates, Claim 2013-1038-15, for \$9,000, and transmitting a copy of the claim. The claim alleges Ms. Bates sustained injuries arising out of a trip and fall incident that occurred on the sidewalk near the banyan tree in Lahaina, Maui, on December 2, 2012.
2. Correspondence dated March 5, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1038-15 OF MYRTLE BATES". 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; 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.

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