

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**

Council of the County of Maui

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**Meeting Agenda**

April 16, 2014  
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 (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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 March 13, 2014 (received March 13, 2014), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD 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 appointment of Stephanie Stucky to the Real Property Tax Review Board, for a term expiring on March 31, 2019.
2. Correspondence dated March 21, 2014 (received March 21, 2014), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD 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 appointment of Jerrybeth De Mello to the Liquor Control Adjudication Board, for a term expiring on March 31, 2019.

**STATUS:** The Council must approve or disapprove the nomination to the Real Property Tax Review Board by May 12, 2014, and the nomination to the Liquor Control Adjudication Board by May 20, 2014, respectively, or the nominations will be deemed approved. 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-66 SPECIAL COUNSEL AUTHORIZATION FOR COUNTY'S 2014 GENERAL OBLIGATION BOND ISSUANCE**

**DESCRIPTION:** The Committee is in receipt of County Communication 14-64, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2014 GENERAL OBLIGATION BOND ISSUANCE". The purpose of the proposed resolution is to authorize the employment of Hawkins Delafield & Wood LLP as special counsel to represent the County as bond and disclosure counsel, for total compensation not to exceed \$19,000 and expenses not to exceed \$750.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 14-64 and other related action.

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

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

1. Correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the case and a copy of the complaint. The complaint alleges violations of the Federal Clean Water Act arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility, Lahaina, Maui.
2. Correspondence dated March 21, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". The purpose of the proposed resolution is to authorize \$300,000 in additional compensation for Hunton & Williams LLP as special counsel in the case, for a total compensation not to exceed \$550,000.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution referenced in paragraph 2 above, 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(36) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NELDON MAMUAD V. COUNTY OF MAUI, CIVIL CV14-00102 JMS BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated April 3, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF NELDON MAMUAD V. COUNTY OF MAUI, CIVIL NO. CV14-00102 JMS BMK" and transmitting a copy of the complaint. The complaint alleges the County violated Mr. Mamuad's civil rights and liberties, including his right to freedom of speech, arising from its investigation and finding that Mr. Mamuad had violated the County's Violence in the Workplace Action Plan in connection with his administration of a Facebook page previously known as "TAGUMAWatch" and now known as "MAUIWatch". 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; and Section 92-5(a)(2), Hawaii Revised Statutes, 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; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

**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. Correspondence dated May 18, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the tax appeals of Kaheawa Wind Power, LLC, for tax years 2007, 2008, 2009, 2010, and 2011, which appeals have been consolidated under Tax Appeal 10-1-1246. The correspondence also transmitted a copy of each of the notices of appeal. In its tax appeals, Kaheawa Wind Power, LLC, alleges the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway.
2. Correspondence dated March 24, 2014, 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", and transmitting a copy of each of the notices of appeal. The purpose of the revised proposed resolution is to authorize settlement of the consolidated appeal.

**STATUS:** The Committee may discuss the matter. No legislative action will be taken.

**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.