

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## MINUTES

March 25, 2014

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 10:32 a.m.

**PRESENT:** Councilmember G. Riki Hokama, Chair  
Councilmember Donald G. Couch, Jr., Vice-Chair  
Councilmember Elle Cochran, Member (In 10:33 a.m.)  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member  
Councilmember Michael P. Victorino, Member (Out 11:21 a.m.)  
Councilmember Mike White, Member (In 10:33 a.m.)

**EXCUSED:** Councilmember Gladys C. Baisa, Member  
Councilmember Robert Carroll, Member

**STAFF:** Carla Nakata, Legislative Attorney  
Sharon C. Brooks, 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.:** Michele N. McLean, Deputy Director, Department of Planning  
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel  
Mary Blaine Johnston, Deputy Corporation Counsel, Department of the Corporation Counsel

**PRESS:** *Akaku--Maui County Community Television, Inc.*

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CHAIR HOKAMA: . . .(*gavel*). . . The Policy Committee shall come to order. This is the meeting of March 25<sup>th</sup>, 2014. Present is Vice-Chairman, Mr. Couch. . .

VICE-CHAIR COUCH: Good morning, Mr. Chair.

CHAIR HOKAMA: . . .good morning. . .and Committee Members: Ms. Crivello, Mr. Guzman. . .

COUNCILMEMBER GUZMAN: Good morning.

CHAIR HOKAMA: . . .and Mr. Victorino.

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COUNCILMEMBER VICTORINO: Good morning, sir.

CHAIR HOKAMA: The Chair excuses Mr. Carroll, Ms. Cochran, Ms. Baisa, and Mr. White. There are just two items today, Members, both under litigation matters. However, we shall take public testimony, if there is any to be presented. So at this time, I will check with the Chambers. Ms. Frias, any request for testimony?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you. Hana Office, Ms. Lono, is there anyone wishing to provide testimony?

MS. LONO: Good morning, this is Dawn at the Hana Office.

CHAIR HOKAMA: Is there anyone wishing to provide testimony?

MS. LONO: Can you hear me?

CHAIR HOKAMA: Yes, we can.

VICE-CHAIR COUCH: Yeah, you gotta turn the . . .it's not on.

CHAIR HOKAMA: Oh, what button I gotta press?

VICE-CHAIR COUCH: The gray one.

CHAIR HOKAMA: They're all gray, Mr. Couch. . . .*(chuckle)* . . .

VICE-CHAIR COUCH: There's one with the light.

MS. LONO: Hello, good morning.

CHAIR HOKAMA: Hi. Good morning, Ms. Lono. Anyone wishing to provide testimony?

MS. LONO: There is no one here at the Hana Office waiting to testify.

CHAIR HOKAMA: Thank you. Ms. Fernandez, anyone on Lanai for testimony?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR HOKAMA: Thank you. Ms. Alcon, anyone on Molokai?

MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai and there is no one here waiting to testify.

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CHAIR HOKAMA: Thank you very much, ladies. The Chair will close testimony for today's meeting, Members, with no objections.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you. So ordered. Thank you, ladies.

**ITEM PIA-1(34): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 07-1-0496(3)) (CC 13-41)**

**ITEM PIA-1(35): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: WILLIAM L. LARSON, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 09-1-0413(2)) (CC 13-41)**

CHAIR HOKAMA: Members, we have two items. Policy Item 1(34) which is under Litigation Matters (Settlement Authorization: this is Douglas Leone, et al. v. County of Maui, et al., Civil No. 07-1-0496(3)), as well as Policy Item 1(35) also under Litigation Matters (Settlement Authorization: William L. Larson, et al. v. County of Maui, et al., Civil No. 09-1-0413(2)).

This morning we have Mr. Rowe from the Department of Corporation Counsel to give us comments in open session, please. . . . Who's going to give opening comments for the Department?

MS. JOHNSTON: Yes, we were here a week ago and presented to you that we have two cases that are in the process of hopefully being settled, and we need to speak with you about that case and what the settlement proposals are and get your views on that. You voted to go into executive session to do that. So we're ready to proceed once you're ready to proceed with executive session.

CHAIR HOKAMA: Okay. Okay, the Chair is going to require a new motion for executive session since this is a new meeting, and the Chair will also recognize the presence of Ms. Cochran--

COUNCILMEMBER COCHRAN: Good morning. Thank you, Chair.

CHAIR HOKAMA: --good morning--and Mr. White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR HOKAMA: So thank you for being here. We have seven Members. The Chair is going to entertain a motion to take both Policy Item 1(34) and Policy Item 1(35) in joint executive session since this is similar. . . . and might be a combined review by the Court. And so the Chair will cite Hawaii Revised Statutes Section 92-5(a)(4) which allows this Committee to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and this Committee. Mr. Couch.

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VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we go into executive session pursuant to HRS 92-5(a)(4) for Item numbers PIA-1(34) and PIA-1(35).

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

CHAIR HOKAMA: We have a motion and second, made by Mr. Couch and seconded by Mr. Victorino. Is there any further discussion, Members? Having none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no". Motion passes with seven ayes, two excused.

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

**NOES: None.**

**EXC.: Councilmembers Baisa and Carroll.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

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

CHAIR HOKAMA: We shall go into recess to prepare for executive session. . . .(*gavel*). . .

**RECESS: 10:36 a.m.**

**RECONVENE: 12:04 p.m.**

CHAIR HOKAMA: . . .(*gavel*). . . The Policy Committee shall return to open session. Members, thank you for that executive session where we were briefed on the powers, duties, liabilities of this County and this Committee regarding Policy Item 1(34) and 1(35). With no objections, the Chair would like to defer both items.

COUNCIL MEMBERS: No objections.

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

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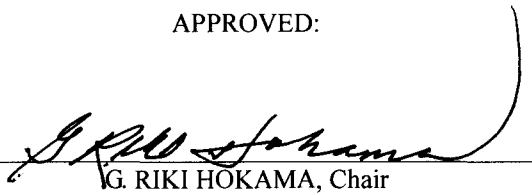
CHAIR HOKAMA: Okay, both items are deferred.

**ACTION: DEFER pending further discussion.**

CHAIR HOKAMA: And, therefore, with no further business, this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:05 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "G. Riki Hokama", is written over a horizontal line. A large, curved flourish extends from the end of the signature upwards and to the right.

G. RIKI HOKAMA, Chair  
Policy and Intergovernmental Affairs Committee

pi:min:140325

Transcribed by: Tammy M. Frias