

# **POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**April 16, 2014**

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

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember G. Riki Hokama, Chair  
Councilmember Donald G. Couch, Jr., Vice-Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Elle Cochran, Member  
Councilmember Stacy Crivello, Member  
Councilmember Michael P. Victorino, Member (In 1:36 p.m.)  
Councilmember Mike White, Member

**EXCUSED:** Councilmember Robert Carroll, Member  
Councilmember Don S. Guzman, 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.:** Michael J. Molina, Executive Assistant, Office of the Mayor (Item PIA-2(21))  
Danilo F. Agsalog, Director, Department of Finance (Item PIA-66)  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel  
(Item PIA-66)  
Moana M. Lutey, Deputy Corporation Counsel, Department of the Corporation Counsel  
(Items PIA-1(3) and -1(36))  
Richard B. Rost, Deputy Corporation Counsel, Department of the Corporation Counsel  
(Item PIA-1(24))  
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation  
Counsel

**OTHERS:** Stephanie Stucky (Item PIA-2(21))  
Russ Miller, Esq., Hawkins Delafield & Wood, LLP (Item PIA-66)  
Richard Rand, Esq., Marr Jones & Wang (Item PIA-1(36))  
Joe Tanaka  
Additional attendees (5)

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

**April 16, 2014**

---

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

-----

CHAIR HOKAMA: . . .(*gavel*). . The Council's Committee on Policy and Intergovernmental Affairs shall come to order. This is the Committee meeting of April 16, 2014. Present this afternoon we have our Vice-Chairman, Mr. Couch.

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

CHAIR HOKAMA: Mr. Couch, and we have our Committee members, Madam Chairman, Ms. Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR HOKAMA: Good afternoon and we have our Committee members, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR HOKAMA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR HOKAMA: And Mr. White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR HOKAMA: Excused for this meeting is Members, Mr. Carroll, Mr. Guzman, and Mr. Victorino. Before taking up the items of the agenda, the Committee shall receive testimony for those wishing to provide comment before the Committee on any agendized item, and so we'll start with the Chamber first, and today we have a request of a Mr. Russ Miller to provide testimony on, and if you chose not to when we bring up the item we can then discuss so, okay fine. Mr. Miller will be our resource when we bring up the appropriate item and that would be, Members, regarding a special counsel request regarding the issuance of a General Obligation bond. I will ask our District Offices if anyone is, wishes to provide testimony so we'll ask the Hana Office, Ms. Lono, has anyone signed for testimony please?

MS. LONO: Good afternoon, Chair. This is Dawn Lono in the Hana Office and I have no one waiting to testify.

CHAIR HOKAMA: Thank you very much. Molokai, Ms. Alcon, anyone wishing to provide testimony please?

MS. ALCON: Good afternoon, Chair, this is Ella Alcon on Molokai. There is no one here waiting to testify.

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

**April 16, 2014**

---

CHAIR HOKAMA: Okay thank you, we'll go to Lanai, and we'll ask Ms. Fernandez if there's anyone wishing to provide testimony? Okay, we'll get back to the Lanai Office. So I'll keep testimony open for a short while, Members.

**ITEM PIA-2(21): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**  
**(VARIOUS) (CC 13-42)**

CHAIR HOKAMA But in the meantime, I would like to get the agenda rolling and therefore I will start off with Policy Item 2(21), this is Nominations to Boards, Committees, and Commissions. We do have correspondence from the Mayor, dated March 13, 2014, regarding a nomination to the Real Property Tax Review Board for the County of Maui. And we also have a communication dated March 21, 2014 of Mayor's nomination of a member to the Liquor Control Adjudication Board. For the Real Property Tax, Mayor Arakawa is nominating Stephanie Stucky, for a term expiring March 31, 2019. And for the Liquor Control Adjudication Board, the Mayor has nominated Jerrybeth De Mello for a term expiring March 31, 2019, Members. The Chair did request and I thank Ms. Stucky for making herself available this afternoon to come before the Committee, give us some thoughts of how she sees her role on this proposed board that she's being nominated for, and also to ask, answer any questions the Committee may have regarding her testimony. So before we ask Ms. Stucky to come forward, we'll ask Mr. Molina representing the Office of the Mayor for any opening comments please.

MR. MOLINA: Thank you very much, Chair, and good afternoon, Committee members. The Administration would like your consideration of Ms. Stucky who is a retired teacher from the Department of Education and now is currently a owner of a real estate business. She has of course been very actively involved in many different professional organizations and she has let us know that she does have the time to serve on the commission and again would like your consideration in, from the Administration. We do thank Ms. Stucky for volunteering to serve on this commission. Thank you, Mr. Chair, and I'm available for any questions from you or the Committee members.

CHAIR HOKAMA: Okay, also Mr. Molina, if you don't mind, why don't we also take any comments you may have regarding Ms. De Mello's nomination also please.

MR. MOLINA: Thank you Mr. Chairman. Ms. De Mello of course was a, formerly served on the Salary Commission as well as the Liquor Commission and again has assured us she has the time to serve and she's very active in other areas of the community as well and also would like your consideration on her nomination as well. With that being said, I have questions or I can respond to any questions from you or the Committee with regards to Ms. De Mello, thank you, Chairman.

CHAIR HOKAMA: Okay thank you, let me get back to the Lanai Office at this time, Members, please. Ms. Fernandez, anyone wishing to provide testimony at the Lanai District Office?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

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

**April 16, 2014**

---

CHAIR HOKAMA: Okay thank you very much. With no additional requests for testimony, Members, we shall close testimony for this afternoon's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, Members, so ordered. Thank you, ladies. The Chair also wishes to acknowledge the presence of Committee member, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR HOKAMA: Thank you. We are back again to Policy 2(21). We'll ask Ms. Stucky if you would please come forward to the podium please and would ask if you just give us a brief introduction to yourself and again we appreciate you volunteering and maybe you can tell us your interest in serving.

MS. STUCKY: Okay thank you. My name is Stephanie Stucky, and I am a school teacher retired in 2009 from the Department of Education. I have taught totally, when I retired I had taught solidly public school teacher for 40 years, 13 of it was on the mainland. When I came back to Hawaii I also went, got a real estate license in the 1980s and today I am a, have my own company SCS Realty. I am now since I'm retired, I had a little bit of time now. I thought I had a life so I couldn't do any volunteer work and all of a sudden in my retirement I realized that I did have a little time now to give back to the community and I heard through the real state association of Maui that they were, that there were, there was the commission that was looking for what would you say, volunteers? And anyway I did apply, and I did apply to quite a few different boards, and I got a call from the Mayor's Office indicating that they would like me to be the nominee for the Mayor for the Real Property Tax Review Board. And I decided that it was time I accepted because I now have the time.

CHAIR HOKAMA: Great and again we appreciate your presence, Ms. Stucky, before the Committee this afternoon. Before I ask the Members if they have any comments or questions for Ms. Stucky, regarding her nomination, I will tell you that as a Chair I did send a letter to the Board of Ethics requesting if there were any issues or concerns of having multiple members of the real estate sector sitting on the Real Estate Tax Review Board. We already have one member, and I just wanted to know if they foresaw any issues or concerns that we should be aware of prior to a final decision. They have yet to agendize and meet on my request so therefore we have no guidance from them at this time. But I thought it was appropriate for us to ask as your Chair if there was any concerns of having multiple real estate professionals sitting on a board that determines valuation of property that for some of them they'll get their commissions on. So that is what I have done on behalf of the Committee as its Chairman. And I just wanted that to be open and as information to the, how the membership is made up. Okay and again Ms. Stucky is not a realtor but I just wanted the Committee to know that, you know, we are, we do look at the ability to balance as best as we can the makeup of any board or commission. So saying that, I'll start off with the ladies and ask Ms. Baisa if she has any questions for Ms. Stucky?

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

April 16, 2014

---

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you so much for volunteering. It's so important that we have volunteers and in your retired years, yeah.

MS. STUCKY: Yes.

COUNCILMEMBER BAISA: We seem to fill those up with a lot of stuff.

MS. STUCKY: Yes.

COUNCILMEMBER BAISA: And thank you with, you know, offering to volunteer and help us with that. I have a general question.

MS. STUCKY: Yeah.

COUNCILMEMBER BAISA: Being that you're applying for the position you are, you're being nominated for it, would you be willing to share any thoughts that you have about our real estate property tax here in Maui?

MS. STUCKY: About it, well I do know a little bit about it. But do I, that I would like to share any concerns or anything about it?

COUNCILMEMBER BAISA: What do you think, do you think it's good, bad --

MS. STUCKY: Well...

COUNCILMEMBER BAISA: --high, too much, whatever?

MS. STUCKY: Well personally for me, I think it's great, yeah, and I don't know what other, you know what other people feel about it. I do see, I live in a condo and I do own a condo and I serve on the board and I do see where there are people that are concerned about the different assessments that they get all in the same building.

COUNCILMEMBER BAISA: Okay.

MS. STUCKY: But I don't have any --

COUNCILMEMBER BAISA: Okay well --

MS. STUCKY: --problem.

COUNCILMEMBER BAISA: --thank you very much. It looks to me like you've got a tremendous background and certainly have the education and training, so thank you very much.

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

April 16, 2014

---

MS. STUCKY: Thank you.

CHAIR HOKAMA: Thank you. Ms. Crivello, any questions for Ms. Stucky?

COUNCILMEMBER CRIVELLO: No questions, just a comment to say thank you for finding a life by ...*(inaudible)*... volunteer works. I think you bring skills to the table so we appreciate that. Thank you, mahalo.

MS. STUCKY: Thank you.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for being here and yeah your willingness to volunteer on this board, and I figure you probably seen the break, have you looked at the breakdown of our real property tax brackets and what we've been looking to adjust?

MS. STUCKY: No, I haven't. I will admit I have not.

COUNCILMEMBER COCHRAN: Oh, okay. And I see on your application your first pick was to be on the Police Commission, this is your second choice? Was that what these numbering, the numbering system is here?

MS. STUCKY: Well, I think they asked me to rank them in order, yeah, and I really to be honest with you I don't, I didn't, I don't know why, the Police Commission, I have no idea. To be honest with you. What did I rank the tax, the property tax?

COUNCILMEMBER COCHRAN: One police, two real property tax.

MS. STUCKY: Oh okay, probably because it was it mostly dealt with the entire community, that's the only thing I can think of right off the top that I would pick those two.

COUNCILMEMBER COCHRAN: Okay. Alright, well, thank you again for your willingness to serve.

MS. STUCKY: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR HOKAMA: Okay, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Ms. Stucky, for being here.

MS. STUCKY: Thank you.

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

April 16, 2014

---

VICE-CHAIR COUCH: Ms. Cochran asked the biggest question is the Real Property Tax Commission. Now Mr. Hokama said you weren't a realtor, but you are an owner/broker of a realty company?

MS. STUCKY: Yes I am.

VICE-CHAIR COUCH: Okay. What, is there a difference?

MS. STUCKY: You mean between a realtor...

VICE-CHAIR COUCH: Realtor and the owner/broker.

MS. STUCKY: Not really. No.

VICE-CHAIR COUCH: Okay.

MS. STUCKY: The broker is just the, has their own company, is a little bit...

VICE-CHAIR COUCH: Okay great. I think those were the only questions. I wanna say thank you very much as everybody else for volunteering and it's nice seeing you again. We used to paddle in the same canoe club years and years ago.

MS. STUCKY: Years.

COUNCILMEMBER BAISA: Wow.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, no questions, Chair, but thank you for being willing to serve. Mahalo.

MS. STUCKY: Thank you.

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair, and thank you, Ms. Stucky, for being here and your willingness to volunteer, I'll echo the same sentiment. You had mentioned just when you first started out that and I mean you may not have a great understanding of it and I guess you'll learn like all of us did when we got on to boards and commission, but you said oh in my condo the biggest concern is the different assessments that are done within my condo. You understand that there could be many different assessments based upon --

MS. STUCKY: Yes.

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

**April 16, 2014**

---

COUNCILMEMBER VICTORINO: --homeowners, long-term rental, short-term and there's so many variables, yeah.

MS. STUCKY: Yes.

COUNCILMEMBER VICTORINO: Yeah, so you know it, you know, so when you get involved in this you're gonna have to do some homework 'cause you gotta understand what each one means.

MS. STUCKY: Yes.

COUNCILMEMBER VICTORINO: Okay, so just because you kinda indicated that was one of your concerns and that would be a concern only if you understand why and how they're classified and we have many classifications, maybe sometimes too many but that's another story and another conversation. But thank you and I wish you nothing but success and you know your willingness to serve is greatly appreciated, mahalo.

MS. STUCKY: Thank you.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR HOKAMA: Okay thank you very much, Mr. Victorino. Ms. Stucky, have you ever filed a appeal to your real property tax?

MS. STUCKY: No, I have not.

CHAIR HOKAMA: Okay. Have you any type of experience either through a acquaintance or someone regarding a tax, property tax appeal request or process?

MS. STUCKY: No, but I've read the directions on the computer. I've looked up everything. I've read about the Tax Review Board and what their duties are and the process of the appealing. Yes.

CHAIR HOKAMA: Okay, okay. Do you feel that the, that there's, do you as a, you know, realtor/broker, owner/broker, Ms. Stucky, do you foresee any potential issues that may find you in a conflict in performing your duties as a commissioner on the real property tax commission?

MS. STUCKY: No, I don't.

CHAIR HOKAMA: Okay. You currently own your unit, Ms. Stucky?

MS. STUCKY: Yes, I do.

CHAIR HOKAMA: Okay, so that means you get your own bill and you understand the homeowner's exemption component and --



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

**April 16, 2014**

---

MS. STUCKY: Yes, I do.

CHAIR HOKAMA: --those things? So very good. Well, you know the main, one of the main things is for this Committee and myself as the Chair is we'd like to get this face-to-face opportunity of those that volunteer and are gonna make decisions on the people's behalf, and so we appreciate you making the time, making yourself visible so we know who is Stephanie Stucky --

MS. STUCKY: Yes.

CHAIR HOKAMA: --instead of just a name to the Members. So we appreciate your presence, we appreciate your candid comments, which is much appreciated, and knowing your educational background obviously you know how to get the facts --

MS. STUCKY: Yes, I hope so.

CHAIR HOKAMA: --and make some good decisions, so I'm fine with you know the nomination from the Mayor. Is there any other questions that the Members wish to present to Ms. Stucky while she is here with us? Having none, do you have any last comments you wish to share, Ms. Stucky, regarding your considered nomination?

MS. STUCKY: No, but I'm looking forward to working with all of you.

CHAIR HOKAMA: Good. Well, thank you very much for being here and again we thank you for volunteering your services to the people.

MS. STUCKY: Thank you.

CHAIR HOKAMA: Thank you. Please take a seat and make yourself comfortable. Members, it is the Chair's recommendation and I'll be open to a motion to move forward to Council to recommend the approval of nominees Stephanie Stucky to be placed on Exhibit "B" for the board, for the membership to the Tax Review Board for the County of Maui, term expiring March 31, 2019, as well as placing the name of Jerrybeth De Mello to the Liquor Control Adjudication Board for a term expiring March 31, 2019. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we approve the resolution entitled APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI by moving the name of Stephanie Stucky to Exhibit "B"; and then also approve the resolution of the APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI by moving the name of Jerrybeth De Mello to Exhibit "B".

COUNCILMEMBER BAISA: Second.

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

**April 16, 2014**

---

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Any discussion, Members, regarding any nominee? 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 Baisa, Cochran, Crivello, Victorino, and White.**

**NOES:           None.**

**EXC.:           Councilmembers Carroll and Guzman.**

**ABSENT:       None.**

**ABSTAIN:      None.**

**MOTION CARRIED**

**ACTION:        Recommending ADOPTION of revised resolutions approving the nominations.**

CHAIR HOKAMA: Thank you very much and we'll forward your name to the full Council, Ms. Stucky. Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Can I ask Mr. Molina a question or give a suggestion of some sorts to Mr. Molina?

CHAIR HOKAMA: Regarding 2(21)?

COUNCILMEMBER COCHRAN: Applications, just the format itself if there's a way?

CHAIR HOKAMA: Your question, please.

COUNCILMEMBER COCHRAN: I appreciated Ms. Stucky's papers and how she had itemized for second, third, and fourth priorities as to which board or commission she wanted to be on, and I think that question comes up a lot and so if, I don't know if there's a way to just put that on the application itself so it's sorta written and shown so when we receive it we have it in front of us to see. Sometimes it's quite interesting and helpful to see where that person, what they came to apply for initially but then were put on to something else other than their number one choice. That's just my comment, Chair, I thought and I liked her presentation on her application.

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

April 16, 2014

---

CHAIR HOKAMA: Okay, thank you. Mr. Molina?

MR. MOLINA: Thank you, Chairman, and thank you, Councilmember Cochran, you certainly bring up a good issue. From prior Administrations there are two sheets, one, the attachment is generally considered a confidential sheet which has the applicant's private information, address, and so forth. And on that sheet there's the listing of all the Boards and Commissions they would like to be considered for. As far as putting it on the application once a person has been nominated, the top application that you see is a public document. We would have to sorta explore any privacy issues if we were to include the person's choices on the public document. But we'll explore that and see what can be done if that is, that can be made public as far as the individual applicant's other choices. So we'll certainly look into that, Member Cochran and Committee Chairman Hokama. If it's something you would like in writing a response back from the Administration with regards to that consideration, we can certainly respond back to you on that.

COUNCILMEMBER COCHRAN: Okay, thank you, Mr. Molina.

MR. MOLINA: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR HOKAMA: Thank you, Ms. Cochran. Anyone, anything else? If not thank you very much for your presence, Mr. Molina.

MR. MOLINA: Thank you, Mr. Chairman.

CHAIR HOKAMA: We appreciate the assistance to the Committee.

**ITEM PIA-66: SPECIAL COUNSEL AUTHORIZATION FOR COUNTY'S 2014 GENERAL OBLIGATION BOND ISSUANCE (CC 14-64)**

CHAIR HOKAMA: Members, may we please move on to Policy Item 66, this is under the heading of Special Counsel Authorization for County's 2014 General Obligation Bond Issuance. From the Director of Finance, Mr. Agsalog, we have a Communication 14-64 with a proposed resolution AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2014 GENERAL OBLIGATION BOND ISSUANCE. And we are aware that the compensation has a cap of \$19,000, expenses not to exceed \$750. And this afternoon, present we have Mr. Ueoka and Mr. Agsalog present, and we also have a representative from the firm of Hawkins Delafield & Wood. So if the Members like we can also have the gentleman present to assist the Director and Corp. Counsel. But I'll ask Mr. Agsalog as our Director of Finance to give us some opening comments, please.

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

**April 16, 2014**

---

MR. AGSALOG: Thank you, Mr. Chair and members of the Committee. We are pleased that this item is on the agenda now since we are planning to have a bond sale before the Fiscal Year is over, and as you have mentioned, Mr. Chair, in your opening comment, we have Hawkins here and of course the Corporation Counsels are here because it's in cooperation with them. Because I certainly do not have the expertise to hire a special counsel for us. I know I can request for RFPs and all that but, you know, to evaluate the work that needs to be done by this special professionals I need their help in evaluating. So and as such, Mr. Chair, let me just give you a quick time line on how this thing happened. In the middle of December we asked for a proposal, Mr. Chair. And we had the response date closing in January 30<sup>th</sup> this year 2014. So we did that and about two weeks after that sometimes in the middle of February we had the panel evaluate them, again that's include my staff and Corporation staff that sat together and evaluated the responses from the one that's interested in a bidding for our request. So from that, Mr. Chair, as you have mentioned, Hawkins Company was recommended and I have sent their resolution as my signature in the transmittal is there, and I have requested Hawkins representative to come today when I found out that the item is in your Committee so that if you have any question with regards to the proposed, the company that we have recommended in the resolution, they're here to answer. So we have Mr. Russ Miller. Russ Miller, Mr. Chair, is their tax attorney at Hawkins and he have helped us in the past along with the lead attorney, for engagement in the Maui County, Mr. Sean Tierney. They worked on our USDA loan for the Kihei police station, and Mr. Russ has been working with us from the 2010 series when we had the ARRA Build America Bonds and that's his expertise, and also we have retained them for the 2012 Series Bond that we have floated in which we have gotten the best interest rate ever. The outfit of Bank of America, Merrill Lynch came yesterday and they were showing us the best interest rate so far for 20 year bond was 2.10, we get 2.18. So that's the, we are very close to the lowest. So with that, Mr. Chair, I am very proud that I think if we ready to float...and let me say that right now we also have about 39 million loan from the General Fund to Bond now, Mr. Chair, that's why we are getting ready to move and do the bond sale, because we have a cap of 55 according to our budget provision in the budget ordinance. With that, Mr. Chair, I will answer any questions, and I have Mr. Ueoka here to answer questions, and as you see in the gallery we have staff as well as Mr. Miller.

CHAIR HOKAMA: Mr. Ueoka, any comments from the Department of Corporation Counsel?

MR. UEOKA: Just that, Chair, thank you, it was very good working with the firm and Mr. Tierney is very knowledgeable along with Mr. Miller and Ms. Togle who we've worked with on the 2012 float, they're extremely helpful and got us through, thank you.

CHAIR HOKAMA: Thank you. I'll ask Mr. Miller if he would join us also in case the Members may have questions or comments that would be more appropriate for you to respond to, so why don't you join us, please. Members, this is Mr. Russ Miller, he is a partner of Hawkins Delafield & Wood. I've had the pleasure of working with him previously on a earlier County bond float in my other positions as well as working with Mr. Tierney, I know these two gentlemen. The County of Maui has always had very good bond counsels. And I'll just speak for my experience

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

**April 16, 2014**

---

of a past issuance. So Mr. Miller, if from the firm do you have anything you wish to share as an opening comment and if you do we'd be happy to hear from you.

MR. MILLER: Thank you, Mr. Chairman, I really just wanted to make a few points. And that is that we have worked with Maui County for I believe eight years, the past eight years, on I think five or six different bond issues. Maui County is an important client to us, Sean, my colleague Sean Tierney and I are over here quite often, and when we're not over here we are conversing with County staff about their bond issues, both the structuring of their bond issues, the planning for them and the follow-up with regard to post-issuance compliance. I'd also like to reiterate the fact that I agree with everything that the Director of Finance has said and Corporation Counsel about the success of the 2012 bond issue, that was a competitive bid sale which was the first time in many years that the County had conducted a competitive bid sale for its bond issues, and I agree that their interest rates were extremely low and hopefully we can repeat that same process in future bond issues. I'm not sure if I can promise the same interest rate but an equal amount of success in the current market. Other than that, Mr. Chairperson, I'm happy to field any and all questions that you or Council may have.

CHAIR HOKAMA: Okay, thank you very much, Mr. Miller. Members, you have a April 9<sup>th</sup> transmittal from Mr. Agsalog that gives some of the background information regarding the firm as well as other entities that the firm has represented particularly with Hawaii ties, and so you can notice University of Hawaii, City and County of Honolulu, County of Kauai, County of Hawaii, as well as the State, so they're very knowledgeable of the government components of the State. I'll ask Mr. White as our Budget Chairman if he has any opening questions for any of our resource people?

COUNCILMEMBER WHITE: No, Chair. I'm comfortable with this selection. Thank you.

CHAIR HOKAMA: Okay, Mr. Victorino, \_\_\_\_ any questions for our resource people?

COUNCILMEMBER VICTORINO: I looked it over and I'm very pleased and I know they've done good work for us in the past and hopefully it will continue in the future. Thank you.

MR. MILLER: Thank you very much.

CHAIR HOKAMA: Ms. Baisa, questions?

COUNCILMEMBER BAISA: No, thank you, Chair, and I join my colleagues, you know, past history tells us they've done a good job and we have every reason to believe they'll continue to do that so I'm okay. Thank you.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, no comments.

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

April 16, 2014

---

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and yeah I concur with the rest of my fellow Members' comments thus far, and you know, with their past track record is being quite working well with us and doing good deeds for us, you know, I'm very comfortable along with your historical knowledge of their involvement with this County too. So I'm very comfortable and have no questions at this time. Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and I too have basically echo my colleague's comments and think that they've done an excellent job before. I'm just curious how Mr. Miller has handled the handicap of graduating from USC. No, I'm just kidding. . . .(chuckle). . .

MR. MILLER: . . .(chuckle). . . I redeemed myself by going to NYU, but thank you.

VICE-CHAIR COUCH: You have to lighten it up a little bit.

CHAIR HOKAMA: I know 'cause Stanford is not in Southern California, so we understand. We understand. So no questions, Mr. Couch. Okay, well I can tell you regarding the firm, you know, we've had our issues but we've always worked it out with the firm with my experience, and at this time I believe that the firm represents the County's interests very well. And one of the and first I wanna thank Corporation Counsel Patrick Wong. Mr. Wong has honored his commitment to Council by bringing forth appropriate requests for approval by Committee and by Council, this is one question during his confirmation that we asked about regarding his position on special counsel, and as you see Mr. Wong is fulfilling his response as well as his commitment to us to ensure that the process is done accordingly. And that is why it is rare but why this Committee is reviewing a special counsel request for the bond issuance, and so I thank Mr. Wong for fulfilling his pledge to us of bringing the appropriate request in working with Director Agsalog to get this squared away, because this is a special counsel request according to Charter and according to Supreme Court ruling, this is the procedure for our County. So again Mr. Miller, you know, you've heard the Members and I know that again you represent our County well. Is there things in the near future we need to be aware of regarding movement of interest rates either up or down, the consideration of Congress potentially taxing muni bonds and its impact on the potential bond float? We'd like hear some of your thoughts as the bond counsel to this County, please.

MR. MILLER: Well those are excellent questions. With regard to the direction of interest rates, that certainly is not a legal question. I think I will leave that to the better judgment of the County's financial advisor and/or underwriters. And your guess may be as good as mine as to whether they're going up, down, or sideways from here. From a saver's perspective I hope they're going up, from an issuer's perspective I hope they're going down, but.

CHAIR HOKAMA: For our perspective we want it to go down.

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

**April 16, 2014**

---

MR. MILLER: Down, yes. With regard to your question with regard to various proposals in the recent past regarding, in Congress regarding the elimination of the ability of issuers such as the County to issue on a tax exempt basis and therefore get the benefit of artificially low interest rates, those proposals have been around for as long as I've been practicing law which is 30 years. And so they haven't gone away, but everything from the flat tax years ago when Steve Forbes ran for Congress, and it was part of the Tax Reform Act of 1986, and now President Obama has and various economists have suggested elimination of this so called indirect subsidy and perhaps replacing it with taxable borrowing. I don't really know what's going to happen to those proposals. I would suspect and again I wanna limit my political comments, I would suspect that nothing is going to happen prior to the election, Presidential election.

CHAIR HOKAMA: Okay.

MR. MILLER: But I think those proposals are going to stay around for some time. But I don't see them getting any particular political traction. On the other hand, I'm not sure I'd bet the ranch that that ability is going to be around for the next 30 years. So I think, you know, to the extent, interest rates remain low and they are historically remaining low, and to the extent the County has the ability to borrow on a tax exempt basis, and to the extent the County has needs, it certainly does, and the ability to borrow, I would encourage you to go forth and continue your financing plans.

CHAIR HOKAMA: Okay, thank you very much for that response. I know I put you in a hard spot but, you know, it's always good to get another perspective for our policymakers, Mr. Miller, and you know, you may see things in a different light from us as appropriators, you know, you deal with a different type of component of the financing, governmental financing process. So, you know, we look for your additional insight and experience to share with us so again we may make the better educated decisions. So, okay we don't, you don't foresee because the White House is pushing the taxing of municipal bonds, interesting enough, you know, so my battle, our battle is with the White House, there's many people in the House of Representatives that looking for revenue, so they don't have a problem attacking the, not attacking the counties, but making it more difficult for the counties to do its job in performing for the American public and its impact on the domestic economic recovery. And so...

MR. MILLER: Yeah, I think it's a balancing act. Clearly the Federal Government is looking for revenues under every rock. And this to be honest is one of the larger subsidies, although it's an indirect subsidy from the Federal perspective. But I also think that it's imperative for issuers such as the County or any other issuer of taxes and bonds for that matter to steer the consideration away from revenue raising and away from so-called tax shelters from the rich which is how some people in Congress view municipal bonds and towards the need to continue to rebuild and repair the public infrastructure of this country.

CHAIR HOKAMA: You've got it, Russ. You hit it on the mark. And I don't know what...

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

April 16, 2014

---

MR. MILLER: Because those needs are there, in fact they're more the need than they were when you and I were young.

CHAIR HOKAMA: Definitely, definitely and if the counties cannot borrow and pay for its half trillion dollars' worth of CIP annually, the Federal Government's not gonna do it. I mean I have no confidence in their performance and my level of confidence for the State to perform, it's about the same place.

MR. MILLER: Right, well let me give you an example that the County actually, it affected the County a couple of years ago, the Director of Finance mentioned. In 2010 you issued RZEDB's which were, what we refer to as Super BABs. They were taxable bonds with a 45 percent interest rate subsidy that the Federal Government promised it would pay you over the next 30 years, and within a couple of years of that issuance as a result of sequestration, they reduced that payment from 45 percent to, I don't know what it is now, about 37 percent. So it's 8 percent less, that's right, that was the reduction, so, that's I think a good example of the Federal Government proposing an alternative system of borrowing but essentially passing the higher costs, high borrowing costs along to the County.

CHAIR HOKAMA: Which means our taxpayers end up footing the bill again.

MR. MILLER: Correct, not to go back to the earlier conversation about property taxes but you're absolutely correct.

CHAIR HOKAMA: Okay. Mr. White any questions?

COUNCILMEMBER WHITE: No.

CHAIR HOKAMA: Mr. Victorino, any last questions?

COUNCILMEMBER VICTORINO: No.

CHAIR HOKAMA: Ms. Baisa?

COUNCILMEMBER BAISA: No.

CHAIR HOKAMA: Ms. Crivello?

COUNCILMEMBER CRIVELLO: No.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: No.

CHAIR HOKAMA: Mr. Couch?



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

**April 16, 2014**

---

VICE-CHAIR COUCH: No.

CHAIR HOKAMA: Well the Chair has, is happy to be able to recommend the acceptance of a motion to move forward and I will direct the Members to a April 15<sup>th</sup> communication from Mr. Ueoka whereby he has proposed a revised resolution for us, and so I am open to a motion to move forward the revised resolution **AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI'S 2014 GENERAL OBLIGATION BOND ISSUANCE**, and the filing of County Communication 14-64. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve, adopt the resolution **AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2014 GENERAL OBLIGATION BOND ISSUANCE**, and filing of County Communication 14-64.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: I have a motion by Mr. Couch, seconded by Ms. Baisa. We are under discussion, Members, any additional comments? Mr. Miller, I'll give you one last chance to say anything before we make our final, I mean our recommendation to Council.

MR. MILLER: No final comment, thank you very much.

CHAIR HOKAMA: Director Agsalog?

MR. AGSALOG: Mr. Chair I just wanna thank you for considering this communication and we ready to proceed and up, up our time line for the next bond issuance, Mr. Chair.

CHAIR HOKAMA: Mr. Ueoka?

MR. UEOKA: No thank you, Chair.

CHAIR HOKAMA: Okay, Director, we would just ask that you keep our Budget Chairman informed of your scheduling to move forward and he can transmit to the rest of the Members the deadlines and time table for your issuance, future issuance.

MR. AGSALOG: I will do that, sir.

CHAIR HOKAMA: Thank you. With no further discussion, Members, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

April 16, 2014

---

CHAIR HOKAMA: Opposed, say no? Motion is carried with seven ayes, two excused. Mr. Miller, Director Agsalog, thank you very much for your presence this afternoon.

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

**NOES: None.**

**EXC.: Councilmembers Carroll and Guzman.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of revised resolution and FILING of communication.**

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

CHAIR HOKAMA: Okay, We'll take on the fun stuff. May I please direct you now to Policy 1(3). This is under the heading of LITIGATION MATTERS (SETTLEMENT AUTHORIZATION, STATUS, AND SPECIAL COUNSEL ADDITIONAL COMPENSATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL NO. 12-00198 SOM BMK). So Members, we are in receipt of communications from the Department of Corporation Counsel, dated January 18, 2013, as well as March 21, 2014, with the latest communication requesting authorization for an additional compensation of \$300,000 for Hunton & Williams LLP as special counsel in this case for total compensation not to exceed \$550,000. We have Ms. Lutey this afternoon along with First Deputy Kushi present. We'll ask Ms. Lutey for opening comments in general session please.

MS. LUTEY: Thank you. Good afternoon.

CHAIR HOKAMA: Good afternoon.

MS. LUTEY: This matter is in active litigation. We are requesting additional compensation. The reasons for that we would like to discuss in executive session since this is, this matter is active.

CHAIR HOKAMA: Okay. Thank you very much. Members you have heard the request of Corporation Counsel Lutey, regarding her request for executive session, regarding a active litigation matter. So under Hawaii Revised Statutes Section 92-5(a)(4), I will entertain a motion to enter into

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

**April 16, 2014**

---

executive session 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.

VICE-CHAIR COUCH: Thank you, Mr. Chair, I move that we go into executive sessions in reference to HRS 92-5(a)(4) as per the reasons you specified.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa, to enter into executive session, pursuant to HRS 92-5(a)(4). We are under discussion, any 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 Baisa, Cochran, Crivello, Victorino, and White.**

**NOES:       None.**

**EXC.:       Councilmembers Carroll and Guzman.**

**ABSENT:    None.**

**ABSTAIN:   None.**

**MOTION CARRIED**

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

**ITEM PIA-1(36): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NELDON MAMUAD V. COUNTY OF MAUI, CIVIL CV14-00102 JMS BMK) (CC 13-41)**

CHAIR HOKAMA: May I direct you to Policy Item 1(36), this is also under LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NELDON MAMUAD V. COUNTY OF MAUI, CIVIL NO. CV14-00102 JMS BMK). We have a correspondence dated April 3<sup>rd</sup>, Members, of 2014, from the Department of Corporation Counsel, who has submitted a proposed resolution entitled AUTHORIZING SETTLEMENT OF NELDON MAMUAD V. COUNTY OF MAUI, CIVIL NO. CV14-00102 JMS BMK. And we'll ask Ms. Lutey for opening comments, please.

MS. LUTEY: Thank you. Present with me also is special counsel, this is Mr. Richard Rand.

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

April 16, 2014

---

CHAIR HOKAMA: Okay.

MS. LUTEY: The lawsuit filed by Mr. Mamuad alleges violations of his first amendment rights. We are here to transmit a settlement demand. As you all know, I'm sure, this case is in active litigation so we are requesting executive session to discuss that demand.

CHAIR HOKAMA: Okay. Thank you very much. Mr. Rand, any opening comments in open session you wish to share with the Committee at this time?

MR. RAND: No thank you, and good afternoon.

CHAIR HOKAMA: Thank you, thank you for being here. The Chair will entertain a motion by request of Corporation Counsel to enter into executive session. The Chair will invoke two components of the Revised Statutes Section 92-5(a)(4), which is 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. As well as Section 92-5(a)(2), which is 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 or individuals concerned requests an open meeting, an open meeting shall be held. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we go into executive session pursuant to Hawaii Revised Statutes 92-5(a)(4) and 92-5(a)(2) for the reasons you have specified.

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

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Any 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 Baisa, Cochran, Crivello, Victorino, and White.**

**NOES: None.**

**EXC.: Councilmembers Carroll and Guzman.**

**ABSENT: None.**

**ABSTAIN: None.**

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

April 16, 2014

---

**MOTION CARRIED**

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

**ITEM PIA-1(24): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL 10-1-1246) (CC 11-30)**

CHAIR HOKAMA: May I direct you now to the final litigation matter Policy Item 1(24), this is under (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL NO. 10-1-1246). And we have now received correspondence, new correspondence dated March 24, 2014, from the Department of Corporation Counsel with a revised proposed resolution entitled AUTHORIZING SETTLEMENT OF THE TAX APPEAL OF KAHEAWA WIND POWER LLC, CASE NO. 10-1-1246. Mr. Rost, if you'd please.

MR. ROST: Thank you, Mr. Chair. This tax appeal has been argued to the Intermediate Court of Appeals, that occurred on February 12<sup>th</sup>. The court has not yet issued an order although that could occur at any time. We've received a settlement proposal from Kaheawa which because the case remains active we would like to discuss in executive session.

CHAIR HOKAMA: Okay. Thank you very much, Mr. Rost. You've heard the comments of Corporation Counsel. The Chair is happy to entertain a motion to enter executive session under Hawaii Revised Statutes Section 92-5(a)(4) which will allow us 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. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair, I move that we go into executive session on this matter pursuant to HRS 92-5(a)(4) for the reasons you just specified.

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. Any 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.

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

April 16, 2014

---

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

**NOES:**        **None.**

**EXC.:**        **Councilmembers Carroll and Guzman.**

**ABSENT:**     **None.**

**ABSTAIN:**   **None.**

**MOTION CARRIED**

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

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

**RECESS:     2:23 p.m.**

**RECONVENE: 4:10 p.m.**

CHAIR HOKAMA: . . .(gavel). . . We shall return to open session for the Policy Committee. Members, thank you for your work in executive session.

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

CHAIR HOKAMA: May I please direct you to Policy Item 1(3): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION, STATUS, AND SPECIAL COUNSEL ADDITIONAL COMPENSATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI. The Chair will entertain a motion to move forward 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. Mr. Couch.

VICE-CHAIR COUCH: Mr. Chair, I move to adopt the resolution as read.

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

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Members, any additional discussion on the matter? Having none, all in favor of the motion, please say "aye".

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

April 16, 2014

---

COUNCIL MEMBERS: Aye.

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

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

**NOES: None.**

**EXC.: Councilmembers Carroll and Guzman.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of resolution.**

**ITEM PIA-1(36): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NELDON MAMUAD V. COUNTY OF MAUI, CIVIL CV14-00102 JMS BMK) (CC 13-41)**

CHAIR HOKAMA: May I direct you now to Policy Item 1(36) also under the heading of LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NELDON MAMUAD V. COUNTY OF MAUI, CIVIL NO. CV14-00102 JMS BMK). The Chair will entertain a motion to move to Council a proposed resolution entitled AUTHORIZING SETTLEMENT OF NELDON MAMUAD V. COUNTY OF MAUI, CIVIL NO. CV14-00102 JMS BMK under the terms and conditions that were discussed in executive session. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution as read.

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

CHAIR HOKAMA: Thank you. I have motion made by Mr. Couch, seconded by Ms. Baisa. Any additional discussion on the motion, Members? Having none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no?

COUNCILMEMBER VICTORINO: No.

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

April 16, 2014

---

CHAIR HOKAMA: Motion passes--oh, excuse me.

VICE-CHAIR COUCH: What?

COUNCILMEMBER VICTORINO: I said no.

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: I have six eyes. Thank you, thank you. One no from Mr. Victorino, thank you. And two excused, Mr. Carroll and Mr. Guzman. Motion passes.

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

**NOES: Councilmember Victorino.**

**EXC.: Councilmembers Carroll and Guzman.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of resolution.**

**ITEM PIA-1(24): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL 10-1-1246) (CC 11-30)**

CHAIR HOKAMA: Last matter Policy Item 1(24) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL NO. 10-1-1246). With no objection, the Chair will defer this item.

COUNCIL MEMBERS: No objections.

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

CHAIR HOKAMA: Thank you this item is deferred. Thank you very much for your work this afternoon and we look forward to seeing you at Mr. White's meeting.

**ACTION: DEFER pending further discussion.**



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

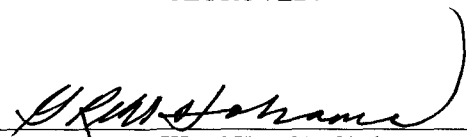
**April 16, 2014**

---

**CHAIR HOKAMA:** This meeting is adjourned. . . .(*gavel*). . .

**ADJOURN:** 4:13 p.m.

APPROVED:



\_\_\_\_\_  
G. RIKI HOKAMA, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:140416

Transcribed by: Jean Pokipala

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

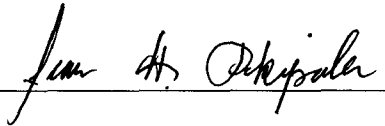
**April 16, 2014**

---

CERTIFICATE

I, Jean Pokipala, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 5<sup>th</sup> day of May, 2014, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Jean H. Pokipala", is written over a horizontal line.

Jean Pokipala