

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

RECEIVED

## Meeting Agenda

2014 SEP 17 AM 10:13

September 23, 2014

9:00 a.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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.*

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**PIA-2(35) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(COUNCIL ON AGING)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 12, 2014, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF PAUL WICKMAN AS A MEMBER OF THE COUNCIL ON AGING". The purpose of the proposed resolution is to approve the appointment of Paul Wickman to the Council on Aging, for a term expiring on March 31, 2016, to fill a vacancy due to the removal of Autumn Arase by Resolution 14-80 (adopted on July 8, 2014).

**STATUS:** The Council must approve a nomination to the Council on Aging by October 7, 2014, or the Mayor will again have the opportunity to nominate an individual to fill the vacancy. 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-81 EMPLOYEE COMMUNICATION DIRECTIVE**

**DESCRIPTION:** The Committee is in receipt of County Communication 14-228, from Council Chair Gladys C. Baisa, transmitting a proposed resolution entitled "WAIVING THE ATTORNEY-CLIENT PRIVILEGE WITH RESPECT TO A LEGAL OPINION FROM THE DEPARTMENT OF THE CORPORATION COUNSEL, DATED JULY 28, 2014, RELATING TO THE 'EMPLOYEE COMMUNICATION DIRECTIVE'". The purpose of the proposed resolution is to waive the attorney-client privilege with respect to a legal opinion from the Department of the Corporation Counsel, dated July 28, 2014, relating to the Mayor's "Employee Communication Directive," dated June 18, 2014.

**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 14-228 and 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(41) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 4, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "INDEMNIFYING GARY YABUTA IN MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIV. NO. 14-00278 BMK", and transmitting a copy of the complaint, notice of removal, and related documents. The complaint alleges Mr. Miles, an employee of the Department of Police, was the subject of discrimination and retaliation, and that he suffered damages and injuries as a result of his termination from employment on May 31, 2012. The purpose of the proposed resolution is to indemnify Gary Yabuta, an employee of the Department of Police on May 31, 2012, in this 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.

**PIA-1(43) LITIGATION MATTERS (STATUS: TRACY N. TAKAMINE V. COUNTY OF MAUI, ET AL., CIVIL 14-00335 JMS-KSC; AND TRACY N. TAKAMINE V. KYLE GINOZA, ET AL., CIVIL 14-1-0450 (2))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 8, 2014, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on Tracy N. Takamine v. County of Maui, et al., Civil 14-00335 JMS-KSC; and Tracy N. Takamine v. Kyle Ginoza, et al., Civil 14-1-0450 (2).

**STATUS:** The Committee may receive a status update from the Department of the Corporation Counsel on these cases. The Committee may consider the filing of the correspondence and 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.

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