

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

July 28, 2014

Council Chamber, 8th Floor

CONVENE: 9:02 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member
Councilmember Michael P. Victorino, Member (Out 11:36 a.m.)
Councilmember Mike White, Member

EXCUSED: Councilmember Elle Cochran, Member

STAFF: Carla Nakata, Legislative Attorney
Sharon 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 (Items PIA-2(26) and -77)
Linden H. Joesting, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-77, -1(34), and -1(35))
Brian A. Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(34), 1-(35), -1(38), and -1(39))
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(38) and -1(39))
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(34), 1-(35), -1(38), and -1(39))
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Kristin K. Tarnstrom, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(34), 1-(35), -1(38), and -1(39))

OTHERS: Rosemary Robbins (Item PIA-77)

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

CHAIR HOKAMA: . . .(gavel). . . Hi, good morning, this is the Committee meeting of the Council's Policy and Intergovernmental Affairs Committee. This is July 28, 2014. Present we have Vice-Chairman of the Committee, Mr. Couch.

VICE-CHAIR COUCH: Good morning, Chair.

CHAIR HOKAMA: Good morning. And members of the Committee with Mr. Carroll, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Morning.

CHAIR HOKAMA: Good morning. Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR HOKAMA: Good morning. Mr. Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR HOKAMA: And Mr. Victorino.

COUNCILMEMBER VICTORINO: Aloha and good morning, Chair.

CHAIR HOKAMA: Good morning. Also joining us is Mr. White, and Ms. Cochran is excused at this time. Members, we have a quite busy agenda for today. But before with that, we'll take care of our requirements for testimony as well as turning off all our digital and Wi-Fi equipment to silent mode, please. Okay, we'll have testimony at this time, Members, with three minutes allowed per testifier; we'll assist them with lighting. At the two-minute 30-second mark a yellow light will go on indicating 30 seconds to conclude and when the red light goes on indicates the three-minute mark. We'll ask Ms. Rosemary Robbins if she would come and share her thoughts with us this morning please.

. . . BEGIN PUBLIC TESTIMONY. . .

MS. ROBBINS: Good morning, everybody.

COUNCIL MEMBERS: Good morning.

MS. ROBBINS: Today is my third business day coming down on the last four business days to try and catch up with what I felt I needed for homework in order to be able to address Item 77, this morning, on our agenda, after returning Tuesday night from visiting family and friends in Boston

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where Shane was and is most appreciated by Red Sox fans up there. I watched him fielding, moving around those bases at the speed of lightning and just feeling really good about that. I used to babysit for the Red Sox players' children back in the '50s so it was a trip down memory lane for me and just wonderful to see him moving well. Anyway, I came in on Wednesday morning within fewer than 24 hours of being back and real estate is not my field. So I took a look at the agenda that was coming up for today and came down on Wednesday to study the item on reviewing property tax board issue. Council Services provided me with the agenda for this morning and the bill that you had submitted in there and the County Communication 14-164, so those were helpful. But the rest of the materials that I felt that I needed somehow to get a look at, get a grip on were not gonna be available through the seventh floor. I remember earlier this month, later last month maybe, when there was a statement from the Mayor's Office saying that things needed to go through there and the Council Services would have to recommend that people connect with them if Council Services didn't have like the binders that I usually use. So telephoned up to the...seventh floor telephoned up to the ninth floor to the Mayor's place up there and got the name of the assistant that would be able to help, who was somebody I knew, so I went, and stayed for the day. They called in to him from the front desk when I went up and I did catch him on the way out to the elevator. He said he would call me then on Thursday night, that didn't happen. But sure enough on Friday morning, he did. But at that point, I was at another meeting and we didn't have the documents on face between us, so I'm no more of a real estate pro now than I was when I began to look at this. But I'm thinking that the public certainly, myself as one of the concerned citizens needs to know what the job descriptions perhaps would be for that --

MS. BROOKS: Three minutes.

MS. ROBBINS: --tax review committee. There are people who say everybody on that should be a real estate person and people who say nobody should. It ought to be people who are not connected with that field. So I hope that explanation will happen here this morning so that the public at large that will be listening in today and at other times will have that. So thank you for your time here and for the people who were able to help, I appreciated that call back. I didn't mind getting stood up on Friday night as long as we had the opportunity to communicate, at Thursday night, to communicate on Friday morning. So here we are with the docs available. Thank you.

CHAIR HOKAMA: Thank you. Any questions for Ms. Robbins on her testimony, Members? Thank you very much for your testimony --

MS. ROBBINS: You're welcome.

CHAIR HOKAMA: --this morning. Hana Office, is there anyone wishing to provide testimony this morning?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR HOKAMA: Thank you. Lanai, Ms. Fernandez?

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MS. FERNANDEZ: Morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

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

MS. ALCON: Morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR HOKAMA: Thank you. Is there anyone else in the Chambers want to provide testimony? Okay. No one is coming forward, Members. With no objections, we shall close testimony for today's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you. So ordered.

...END OF PUBLIC TESTIMONY...

ITEM PIA-2(26): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LANAI PLANNING COMMISSION) (CC 13-42)

CHAIR HOKAMA: May I direct you please first to Item Policy 2(26), Nominations to Boards, Committees, and Commissions. This is specifically for the Lanai Planning Commission where we had a correspondence dated June 6, 2014, from the Office of the Mayor, whereby Mayor Arakawa sent a nomination of Romeo Eleno to the Lanai Planning Commission, for a term expiring March 31, 2017, due to a vacant seat caused by a resignation. First on the list, Mr. Molina if he cares to have any comments for the Committee, please?

MR. MOLINA: Yes. Good morning. Thank you, Chair and good morning, Committee members. Mr. Eleno has expressed interest in being considered as a nominee to the Lanai Planning Commission. As you noticed on his application, he is currently a teacher over at Lanai High and Elementary School and has expressed an interest in giving back to the community. We've been made aware that the Committee has had a difficult time getting in touch or having Mr. Eleno either be here or communicate with you via the phone system to answer your questions, and we certainly understand the importance of you having to do inquiries especially for a commission as important as this. Again, if attempts are still unsuccessful to get a response from the nominee, the Administration would have no objections if you decide to consider someone else. So I just wanted to state that for the record because certainly you have every right to ask every nominee questions and time availability, especially for any type of commission like a planning commission that serves a very important purpose in the community. So, with that, Mr. Chairman, I am available for any questions from the Committee. Thank you.

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CHAIR HOKAMA: Thank you. Any questions for Mr. Molina? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Molina, for giving us that disposition as far as his availability. You know, I know of him. I've met him in the past and, but the thing is, I think we had some, I believe we had some specific questions but I also take the lead from the area rep to give me some of what he feels is the qualities or what he may not think this candidate brings to the table. It's too bad that we cannot, 'cause I think even via telecommunication, Mr. Chair, would have been five minutes, ten minutes and we could clarify some of the questions we have, but it is what it is. So I'll wait for your lead on this one, Mr. Chair. Thank you. Thank you, Mr. Molina.

CHAIR HOKAMA: Thank you. Anyone else, Members? The Chair will just state that with Committee Staff, we have tried over the last two months to try and schedule Mr. Eleno. Trying to work with his travelling schedule, the requirements for himself, his personal requirements as well as trying to work out his schedule with his current employer which is the Department of Education, Lanai School system. We have a clock running on us regarding this consideration, Members. I have received some requests from the Lanai community for the Committee to have a review of Mr. Eleno's consideration, which I am happy to do. Unfortunately, Mr. Eleno, again today, we tried to work with his schedule and unfortunately with his primary employer he is not able to join us again this morning by the District Office communications system. I would like to give Mr. Eleno an opportunity but since we've had requests from the community for review, Members, my best recommendation is I believe we are posting something for the Council meeting, Staff, to be discharged and more than likely I'm gonna recommend a disapproval to allow the Mayor an additional time to consider either resending Mr. Eleno's name back or to forward another name for consideration. Again, I would state that I would like to give Mr. Eleno an opportunity to share with us and our community on Lanai his reasons to want to serve and I think he... I know the school community knows of Mr. Eleno. But there is still questions within our general community of who may not know him as well. So that's the Chair's recommendation on this. Any questions, Members, to the Chair regarding this item for the Committee this morning?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

CHAIR HOKAMA: Okay we are going to defer this item, Members.

COUNCIL MEMBER VICTORINO: No objections.

CHAIR HOKAMA: Thank you. This item is deferred.

ACTION: DEFER pending further discussion.

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ITEM PIA-3(6): HAWAII STATE ASSOCIATION OF COUNTIES (“HSAC”) (2015 HSAC LEGISLATIVE PACKAGE) (CC 13-43; CC 14-176)

CHAIR HOKAMA: May I please direct you to Item 3(6). Under 3(6), this is the heading of the Hawaii State Association of Counties or “HSAC”, subheading 2015 HSAC Legislative Package. With that we have a correspondence from our Chair, Ms. Baisa, 14-176 which relates to the HSAC legislative proposals as well as a timetable of consideration for us to meet specific deadlines. So I’ll ask Ms. Baisa and Mr. Victorino for their comments. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. Mr. Victorino is, of course, our HSAC rep. But I had the opportunity to be there on Friday at the HSAC meeting, and we are all aware of these deadlines which means that we are on a fast track here. If the August 29th deadline is gonna stay, we have a lot of work to do before then. I’ll defer to Mr. Victorino to report. Thank you.

CHAIR HOKAMA: Thank you. Mr. Victorino, please.

COUNCILMEMBER VICTORINO: Thank you, Chair. Thank you, Madam Chair. Yes, we were in Honolulu on Friday and what our plans are at this time is to ask each County, hopefully to bring forward their various priorities. We also are looking in middle of August to have all the Mayors, Chairs, and HSAC representatives get together to discuss, I think we are looking at August 25th if I’m not...

COUNCILMEMBER BAISA: 18th.

COUNCILMEMBER VICTORINO: ...yeah, 18th or 25th, either two are optional dates as far as getting this group together to work as a unified body and come up with a package for which all the counties can agree as the State priorities, you know, from all the counties. Each County will still have their opportunity to put their priorities together as you well know, Mr. Chair, being the President of NACo, and bring that forward. So I am hopeful that if any of the Members have any suggestions or priorities that they would like to bring forward, that they would please forward it to this Committee via you and then we can, you know can pass it on to HSAC. I would ask that. That’s basically it where we are at now, but we need to get moving on it very, very quickly. I hope we can schedule something and we can put our priorities on the table for Maui County in the very near future. I know your schedule is a very busy schedule, Mr. Chair, and I understand your time demands as the NACo President. Well however, our clock is running very quickly. So I don’t know if a special meeting or a meeting where maybe even your Vice-Chair could handle. But we need to have one very, very soon, sir. So whenever you can arrange it, we would be more than happy to work with you as far as that is concerned, Mr. Chair. Thank you very much.

CHAIR HOKAMA: Thank you. I can assure you and all members of the Committee that the workings of this Council is a top priority for me.

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COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR HOKAMA: And it won't be neglected one bit at all.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR HOKAMA: Thank you. Anyone else has any comment regarding the schedule for HSAC requirements? It's tight but we've been able to do it. Last year showed great results of teamwork. So, yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I'll just add to Mr. Victorino's report. I had, like I said, I had the opportunity to be there and I was glad because we were talking about maybe moving the meeting schedule back. But my concern is we got to do it early because we know how tight it is to make these timetables and if we are going to get our stuff into Honolulu by the 29th, we got to meet at the latest mid-August. Because we don't want to send them stuff that our whole Council hasn't had the opportunity to take a look at.

CHAIR HOKAMA: Right.

COUNCILMEMBER BAISA: So the Members of HSAC were very receptive and Mr. Victorino will be sending out a letter or...and Mel, asking all the Mayors and asking all the Chairs, and asking all the HSAC members to this meeting. We are talking either the 18th or the 25th. That will give us time. But we really are on a very tight timetable.

CHAIR HOKAMA: Yeah, yes. I can appreciate that. So according to Staff, this may be something that we would have to prepare for the August 19th Council meeting, Chair Baisa.

COUNCILMEMBER BAISA: Yes.

CHAIR HOKAMA: So we will be happy to work with you on this. Something I would ask the Committee to think about because it is pressing in the district of calamity and that is the impact of what Congress may do regarding transportation projects and how we might want to look at that through either the Budget Committee or our Infrastructure Committee. It's coming to the edge of the cliff and decisions are going to be made and potentially it could hurt some of our big STIP projects for Maui County. So something we need to consider. Any other comments or questions, Members? If not, the Chair, with no objections, will defer Policy Item 3(6), Members.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

CHAIR HOKAMA: Okay, thank you very much.

ACTION: DEFER pending further discussion.

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ITEM PIA-77: COMPOSITION OF THE REAL PROPERTY TAX REVIEW BOARD
(CC 14-164)

CHAIR HOKAMA: I'd like to now please direct you to Policy Item 77. I would ask Mr. Molina too, to join us in case he has some comments. I appreciate testimony this morning from the community with some of the thoughts that were shared earlier. Item 77, Members, comes under the heading of Composition of the Real Property Tax Review Board. The Chair has put forth a proposal by ordinance, not something through the Charter, whereby I am recommending that not more than a majority of the membership not be real estate agents or real estate brokers. I remember, if you do recall, Members, the Chair did send a letter to the Board of Ethics regarding, I think when, 'cause currently we have three out of the five members, whether there was a concern to the Board of Ethics. As I recall, in their response, Members, was kind of interesting. They didn't have an objection but they did note a concern. If I recall their response, it's kind a unique response how they responded to the Committee. But I have my concerns of those that can profit from this situation. I think we can maintain the integrity and requirements of knowledge that it takes to make fair decisions on the Real Estate Board. We also have our professional staff from the Real Property Assessment Division to assist the Board. As we made revisions in the past from various Councils, I think we've tried to continue to improve the appeals process in...so that we can take it in a timely manner, give a fair response and then the taxpayers as well as the County can move forward on consolidation and final judgment on what is the discrepancies. Okay, Mr. Molina, I'm happy to hear if you have any thoughts you'd like to share with the Committee?

MR. MOLINA: Thank you very much, Chair for giving me the opportunity to provide additional clarification on this. As stated in earlier testimony from Ms. Robbins, I was the person that she did talk to with regards to the composition of the current membership on the Real Property Tax Review Board and for the record, we did, I did share with her verbally the backgrounds of the, all of the, currently there are four members. You have one nominee that will be pending before you. But three of the members as stated by Chairman Hokama, have real estate backgrounds and they are as follows: Ms. Bernice Lu, Ms. Stephanie Stucky and also Mr. Peter Davis, who you recently confirmed. The fourth member, Mr. Erfer has a, I believe, he has a business background but not tied to real estate. The Administration would certainly have no objections 'cause I can certainly understand how, for example, if you have a commission member that has a, is a realtor, they may have a client or a past client that could be appealing their taxes. So it could put them in some type of conflict and then if they recuse themselves and being that it's just a five-member board, you could end up having delays and so forth, so certainly, I think it's a worthwhile consideration, Mr. Chairman, and you know, I'm here to field any questions or any additional comments on this proposal, Mr. Chair. Thank you.

CHAIR HOKAMA: Thank you, Mr. Molina. Yes, Mr. Victorino?

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COUNCILMEMBER VICTORINO: Thank you and thank you for that clarification. Thank you, Chair, for bringing this forward. Because it has been a note of concern by the public at times about the number of real estate related people on that particular board. However, the real challenge you face is, unless you have some knowledge of what's going on, it's real difficult to make decisions. The devil's in the details. You know and I know, unless you understand what's going on, it is very, very difficult. I can speak from past experience, learning about water when I got on the Water Board the first six months or so took me a while to understand everything that was part of the Board of Water Supply. You know, I was lucky we were still semi-autonomous and then we moved into advisory. So I can feel for this, but again the potential for conflicts of interest really, really in this particular case, can really extend a lot, a long way out, you know, friends of friends and all this other things. Or you know, an associate within your realty company, and you can go on and on and on. So I particularly like the verbiage you put in. I'm just saying what I like about it. I think it really specifies and provided that not more than two real estate agents or brokers are on the Board at any given time, I think, gives some true quantity of quality in that respect. However, again, like you said, Mr. Molina, if they got to recuse themselves and it's a five-person board, boom, they're down to four, possibly three. Is three quorum, right? That's bare minimum quorum. That again, puts them into a real quandary as far as when you are adjudicating and trying to come up with some resolution, but again it is a real challenge in that respect I agree. I wait to hear what other members have to say. Thank you, Mr. Chair, for bringing this forward 'cause I think it was necessary. I think it is time to really look. Hopefully we will take a look at the some of the other Boards and Commissions because time has changed and we need to really start focusing on what the needs and where we want to go, and how these Boards fit in this, in our lifestyle in where we want our County to go. So, but thank you, Chair. That's all I have to say.

CHAIR HOKAMA: Okay. Thank you. Mr. Guzman, any comments?

COUNCILMEMBER GUZMAN: Thank you, Chair. I do agree with the Board of Ethics' recommendations and I also agree with the language that is proposed here in the amendment. I have a couple questions, Chair, on the deletion paragraph that starts with "a chairman shall be elected annually", is there a subsequent or prior legislation that will allow this type of, I guess, directive to elect the chairman? Also on the second page, it talks about reimbursement of each of the members from the treasury compensation for their services and that's also deleted. Is that mentioned someplace else that will cover it or are we just basically deleting those two sections altogether? I'm just concerned if there's a safety net or language that would compensate for that or cover those two provisions.

CHAIR HOKAMA: Thank you for that, Mr. Guzman. Your Chair's understanding is that we, in updating this section of the Code, Mr. Guzman, we adjusted the language and appreciate you catching that revision component, but basically what we're doing is bringing everything into current practice of the day. So we worked with Mr. Kushi to make sure that whatever a volunteer is subject to be able to qualify for, that's per diem and other things, that in a way gets prohibited or interrupted by this proposed legislation. They still qualify for all of those other requirements and reimbursements that other volunteer officers of the County receive. So this in no way takes

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away anything from what these five individuals perform for the County compared to what Planning Commissioners, Fire Commissioners, Board of Variance and Appeals, those type of board members or commissioners have. So we just are trying to update language, Members. The Code, when you look at the Code, you can see by the dates that it's, some places are still in the '80s, and some things are in the 2000s. This would just bring in to compliance with the practice of the day, Mr. Guzman.

COUNCILMEMBER GUZMAN: Okay, thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you for bringing this forward, Chair. I agree with Mr. Molina's comments and your own and I support the measure. Thank you.

CHAIR HOKAMA: Thank you. Ms. Baisa, any comments or questions?

COUNCILMEMBER BAISA: Thank you very much, Chair. I, too, am in full support of the recommendation. I think it makes perfect sense. We need balance. Thank you.

CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I am pretty much in support of this, too. I have a couple questions and some comments.

CHAIR HOKAMA: Sure.

VICE-CHAIR COUCH: The first comment is that, I see where you have a, where Mr. Guzman was concerned about, a chairman shall be elected annually, that's provided for in this Charter on Page 55, 13-2, Item 9. So I can see why you would take that out. The issue is the next sentence about the vice-chairman. It doesn't provide for that in the Charter. It does provide for rules. If you look at the 13-2, Subsection 15. Is that, was that the intent is to...if the Board wanted to have a chairman, they would make the rules, or a vice-chairperson to make the rules? I was just curious on that one. I mean I have several others.

CHAIR HOKAMA: I'm not, I will tell you that I'm not familiar with the day-to-day, detailed workings of this specific Board, the Real Property Board. But I would assume that, you know, like any other procedure Board like ours, procedure is determined by the membership of its groups, so if the chairman is not there, if they haven't already picked the vice-chair, if they have quorum, they can continue to move forward by a pro tempore designation --

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: --and continue the business of the Board.

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VICE-CHAIR COUCH: Okay. . . .(inaudible). . .

CHAIR HOKAMA: It can be done in an open meeting and everything and Corp. Counsel will be there, so procedure, I don't see any concerns, Mr. Couch.

VICE-CHAIR COUCH: Okay. Also, yeah, I was quite taken aback when I see each member may receive and be paid out of the treasury. That was odd, that we've never done it. So thank you for taking that out. Now the other question I have is the insertion of "provided, section 13-2(7) of the Charter shall not apply to the Board". Can we make ordinances that go against the Charter? I'm just curious on that 'cause the Charter has, says one thing and we're telling it, well, we're gonna ignore the Charter on that. I guess that's a question for Corp. Counsel.

CHAIR HOKAMA: Mr. Kushi, please?

MR. KUSHI: Oh yes, Mr. Chairman, Member Couch. The answer is yes. This Board is not a Charter-created entity. It was created by ordinance. So you are amending the ordinance. As to your specific, a response, I mean a reference to 13-2(7), it did provide for State or County employees to be eligible to serve on these Boards. By ordinance you're taking it out and the existing ordinance also on the last sentence did say, no officer or employee of the County shall be eligible for appointment. So again, this Board is not a Charter-created board. In answer to your previous question, about the Vice-Chair, like all other boards and commissions, I'm almost sure that they have their rules of practice and procedure and they do reference elections not only of the chair, of the vice-chair.

VICE-CHAIR COUCH: Okay. Those were some of the questions. I'm assuming that you removed "as provided by Charter" just because that's kind of redundant, in there.

MR. KUSHI: Excuse me?

VICE-CHAIR COUCH: You're suggesting the removal of...appointed by the Mayor and confirmed by the County Council and then you asked to remove "as provided by Charter". I think that's kind of...

MR. KUSHI: Yes, but the very next sentence makes a reference to Section 13-2 of the Charter in terms of operations, terms, appointments, et cetera.

VICE-CHAIR COUCH: Okay. Those are the questions I had. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Ms. Crivello, any questions, comments?

COUNCILMEMBER CRIVELLO: No questions, Chair. I can support the updated language and meeting the practice of today.

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

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COUNCILMEMBER CARROLL: Chair's recommendation.

CHAIR HOKAMA: Okay, thank you. Mr. Kushi, any comments?

MR. KUSHI: Yes, Mr. Chair, for your information, I have, we have one of our Deputies Linden Joesting in the audience. She staffs the Board if you need any questions. I told her to be on-call. But it just caught my eye in terms of the real estate agents and brokers and this may come up, it may not, but I would suggest adding a preface to that and saying no more than two active real estate agents or brokers. 'Cause there is a difference between active and inactive. Again, it's up to the Committee --

CHAIR HOKAMA: Right, right, right.

MR. KUSHI: --if you want to say well, you know, even if you're inactive you can't serve. But there is a difference. Inactive agents or brokers cannot represent anybody.

CHAIR HOKAMA: That was a very good comment for the Committee, Mr. Kushi.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR HOKAMA: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Kushi, for catching that in this proviso and bringing up that. I would still have to say that whether they are active or inactive, only two. Again, somebody can be inactive, licenses can be inactive, but you still have connections. I know in the insurance industry, we have that, inactive, but you still have connections. So, I wouldn't mind the words being inserted, active or inactive, no more than two active/inactive real estate personnel or agents. I understand the terms but I'm not really keen on the idea, because now you could have two active and maybe three inactive or two inactive but the connections in the industry don't just stop when you become inactive. So that my caution to all in the room. I want knowledge, I want experience but I'm also realizing that this is a very sensitive, very sensitive Board, and I have my concerns on letting just two active and then the other three, 'cause you could end up with three inactive. That may cause a real ethical challenge, yeah. So, I would rather the word be active or inactive, two active or inactive if that is allowed to be changed or whatever. So that's my comment to that, Mr. Chair. Thank you.

CHAIR HOKAMA: Okay. Thank you. Any other comments? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Now Mr. Molina, correct me if I'm wrong, didn't we at one time have three of these boards. The ability to have three of these boards when we were having an issue with backlog and did we abolish those boards? I seem to remember that we may have done something.

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MR. MOLINA: Are you talking about the three boards related to real estate, Council member?

VICE-CHAIR COUCH: Yeah.

MR. MOLINA: You know, honest to God, I can't recall if we...

CHAIR HOKAMA: Council considered increasing the number of Appeal Boards, Appeal Boards.

VICE-CHAIR COUCH: Right.

COUNCILMEMBER BAISA: Yes.

CHAIR HOKAMA: That was the question before Council through a Committee. I remember I think at that time, Mr. Pontanilla was in charge or given the responsibility during his tenure as Budget Chair. I think, but at the end of the day, because of the good work of the Division being able to catch up the backlog, the Council chose not to move forward and increase the Board of Appeals, the number of Board of Appeals.

VICE-CHAIR COUCH: Correct.

COUNCILMEMBER BAISA: Correct.

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: So we're still where we are originally.

VICE-CHAIR COUCH: Did we have a discussion on maybe having alternates, if we are having an issue with getting quorum?

CHAIR HOKAMA: I think that was part of the discussion besides increasing the Appeal Board to two or three. But again, the Appeals Board did great work with Mr. Erfer and the Department or the Division, that they caught up really well and I think everybody was pleased with the results, Mr. Couch.

VICE-CHAIR COUCH: Okay. I just thought we might want to consider if there is an issue with quorum, especially with a five-member board, potential alternates. I don't know.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: Is it alright at this point that we call the person that mans the Board. Maybe we can ask some of those specific questions about having challenges with quorum.

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CHAIR HOKAMA: We can allow the --

COUNCILMEMBER VICTORINO: If you don't mind.

CHAIR HOKAMA: --Deputy to come down and join us and respond within her area of purview and responsibility. Please, please come join us. Have a seat, please.

MS. JOESTING: Good morning, Mr. Chair.

CHAIR HOKAMA: Good morning, good morning, if you would please introduce yourself to the rest of the Committee.

MS. JOESTING: Good morning, Mr. Chair. My name is Linden Joesting; I'm a Deputy Corporation Counsel with the Department of the Corporation Counsel.

CHAIR HOKAMA: Okay. Thank you. Ms. Joesting, I think you've heard some of the discussion regarding the Board of Appeals for Real Property. Is there anything you can share or would like to add to our discussions that might make us better informed Members?

MS. JOESTING: Thank you, Mr. Chair, for giving me that opportunity. It is a very diligent Board. This year they have 558 appeals, just for the year of 2014. So the members are very correct that having quorum is essential to getting all through those appeals in a timely fashion. Also, I wanted to mention that Mr. Kushi's comment about the rules having the provision to elect a vice-chair are correct. So that is provided for in their rules.

VICE-CHAIR COUCH: I think the question was is there an issue with quorum at this point.

CHAIR HOKAMA: Yup, yup.

MS. JOESTING: Yes.

CHAIR HOKAMA: Can you...

MS. JOESTING: And yes, there is sometimes is an issue with quorum and again attendance is important to getting through the number of appeals.

CHAIR HOKAMA: Okay. Mr. Couch? Or was it Mr. Victorino?

VICE-CHAIR COUCH: It was Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah and thank you very much. I mean, I think that was one of my first questions. My second question, you said 512 for this year, for the year, real property year 2012.

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MS. JOESTING: 2014 --

COUNCILMEMBER VICTORINO: Oh, '14. I'm sorry, I apologize.

MS. JOESTING: --has 558 appeals.

COUNCILMEMBER VICTORINO. Five hundred fifty-eight. Is that substantially more or less from the previous year?

MS. JOESTING: To be honest, I think it is a little bit less

COUNCILMEMBER VICTORINO: A little bit less.

MS. JOESTING: But I'm not 100 percent positive.

COUNCILMEMBER VICTORINO: Okay. How often, and I guess the question begs to be asked, how often has quorum been an issue? I mean, how many times a month do you meet?

MS. JOESTING: They meet twice a month --

COUNCILMEMBER VICTORINO: Twice a month.

MS. JOESTING: --at this time of year until they get through all of their appeals, but they do not meet continuously for the full year.

COUNCILMEMBER VICTORINO: I see. So once the appeals process is completed, then there's, they don't conduct meetings unless called for by the chair or by the Department.

MS. JOESTING: Exactly. Yes, exactly.

COUNCILMEMBER VICTORINO: So the real heavy schedule is now during the appeal process.

MS. JOESTING: Yes, that's correct.

COUNCILMEMBER VICTORINO: Okay. So during that period of time, I guess the question begs to be asked, is quorum a challenge? Because I guess that's when you need them, right, most than ever else?

MS. JOESTING: Certainly. The matters on appeal continue through about October or November of this year, and quorum during the time that I have staffed them, has been an issue maybe just a handful of times.

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COUNCILMEMBER VICTORINO: Okay. The last question I will ask and I will let others ask. Is, how long do the meetings last, three hours, five hours, all day? What's the time frame as far as most meetings are concerned?

MS. JOESTING: Most meetings at this time frame are minimum of three hours often going four, maybe even five.

COUNCILMEMBER VICTORINO: Okay. Thank you, thank you for that clarification. Thank you, Mr. Chair, for allowing.

CHAIR HOKAMA: Okay. Thank you. Any other questions for our Deputy assigned to the Real Property Board? Mr. Couch?

VICE-CHAIR COUCH: Thank you and thank you for being here. So, you're saying it's been a handful of times that quorum has been a problem. Has it, in your opinion, affected the work product, I mean are they, at slowing, at slowing down getting the work done?

MS. JOESTING: No, they're actually quite efficient on how they're doing their work. I would say that when it comes to having some expertise in the area, it is helpful. However, I think I would concur with the intent of this and as suggested by Mr. Kushi, that while there is importance to having expertise on the Board, it is also important not to have it too heavy in terms of deciding decisions in favor of the real estate industry.

VICE-CHAIR COUCH: So, the lack of quorum isn't affecting the...

MS. JOESTING: It has not affected their ability to get their total work done.

VICE-CHAIR COUCH: Okay. Thank you. Thank you, Chair.

CHAIR HOKAMA: Thank you very much. Other questions for our Deputy?

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you. Mr. Victorino brought up a good point as far as active versus inactive. Do you feel that having sat with the Board, do you feel that, that's a distinction we should make or if they are inactive do you feel it's okay for them to be on the Board? If worst case scenario, two active and three inactive.

MS. JOESTING: Certainly, thank you for the question, Mr. Couch. I believe expertise is important for this Board because the analysis that the Real Property Tax Division uses is fairly complicated. It has objective and subjective aspects to their calculations. I think having expertise is important and perhaps inactive could allow you to do that, but I also understand the concern for having

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influence used improperly on a Board. Perhaps the Code of Ethics might be a way to approach that as another way to approach that concern.

VICE-CHAIR COUCH: Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you and thank you for that clarification, and Mr. Chair, maybe on our behalf if you would put a letter to the Board of Ethics specifically covering that issue on active and inactive and what they would feel this may bring to the table. I mean, again, I agree with you expertise is very important to expedite this process. However relationships don't just end when you become inactive. I think we all understand that. No question on anybody's integrity. But I think it is something that we should clarify before we finalize this. That's your call, Mr. Chair. Your intent, I agree wholeheartedly and I support it. But I think if we are going to have that active and inactive status as part of this ordinance, I think it is important to get that clarified before we move on. I would imagine the Board of Ethics would probably be the only one that could really give us a definitive answer in that respect. I don't know, maybe Corp. Counsel can. I'm not sure but that would be my request to you, Mr. Chair. Thank you.

CHAIR HOKAMA: Mr. Kushi, any comments at this time?

MR. KUSHI: No, no comments. I'm sorry I brought it up.

COUNCIL MEMBERS: . . .(*chuckle*). . .

CHAIR HOKAMA: That's democracy in action. Members, other questions for resource people either from the Mayor's Office or Corporation Counsel?

MR. MOLINA: Mr. Chair?

CHAIR HOKAMA: Mr. Molina?

MR. MOLINA: Thank you. If I just could add on the subject of alternates that was brought up by Mr. Couch and discussed by Corp. Counsel with regards to quorum. I think that may be something to consider in the future for another day. We do have, I believe, one Board, the Urban Design Review Board, they do have alternates. So that may be something, be worthwhile considering down the road. I just wanted to make that statement.

COUNCILMEMBER VICTORINO: Chair, I think the Public Works one also, right?

MR. MOLINA: Yes.

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COUNCILMEMBER VICTORINO: Public Works.

CHAIR HOKAMA: I believe they have two. Yeah.

COUNCILMEMBER VICTORINO: For engineering purposes or something of that nature, if I recall correctly, sir.

CHAIR HOKAMA: Yeah, we had specific requirements of membership for that Commission.

COUNCILMEMBER VICTORINO: Yeah. Thank you.

CHAIR HOKAMA: You're correct. Okay, well, it seems we're gonna need to do additional work on this proposal, Members, before we, I ask you to send it out to Council. So with no objection, Members, I am going to defer this item.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

CHAIR HOKAMA: Thank you very much. Thank you very much for your presence.

MS. JOESTING: Thank you, Mr. Chair.

CHAIR HOKAMA: I appreciate your time.

ACTION: DEFER pending further discussion.

ITEM PIA-3(6): HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") (2015 HSAC LEGISLATIVE PACKAGE) (CC 13-43; CC 14-176)

CHAIR HOKAMA: One quick note on the previous Item Policy 3(6), Members, I'm going to ask you, I know we deferred it, but I'm not gonna ask for action. I'm just going to state that I would ask internally as a guideline for a August 4th internal deadline for you to submit your ideas and proposals for the HSAC package please to the Chair. So that we can...

COUNCILMEMBER BAISA: Can you say that again, Chair?

CHAIR HOKAMA: August 4th. I would like to ask for your proposals to be sent to the Chair by August 4th please, of ideas that you'd like to consider for the HSAC package. That will allow the Chair and the Staff some time to see how we can adjust it for the 19th, hopefully the 19th meeting, since the 11th is pretty tight. I think it would be fair to the Committee or yourselves. So, I am

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going to be shooting for the 19th and if you could assist us with an August 4th deadline please on that. That would be appreciated. Okay. Thank you for that.

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: Okay. The remaining items is under Litigation Matters, Members. I'm going to direct you to Policy Item 1(34), under Settlement Authorization: Douglas Leone, et al. v. County of Maui, et al., Civil No. 07-1-0496(3). We are in receipt March 5, 2014, from the Department of Corporation Counsel, a proposed resolution entitled Authorizing Settlement of Douglas Leone and Patricia A. Perkins-Leone v. County of Maui, et al., Civil No. 07-1-0496(3). With us we have Mr. Wong as well as other counsel regarding this case. I'll ask Mr. Wong to give us any comments he can in open session, please

MR. WONG: Thank you, Chair. First of all, let me introduce you to one of the newer Deputies retained in our office. Just joined us about a month ago, this is Brian Bilberry. Brian has been assigned to the Leone, Larson matter. Also, I have in the gallery, Kristy Tarnstrom who joined us in May of this year and as you met earlier, also, Linden Joesting, relatively new addition to our office. In terms of, Chair, comments made in open session with regard to the Leone matter, if I may Chair, it's relative case, the Larson matter, should also called up and I suggest that it be taken together because in terms of the legal logistics as of three weeks ago, both matters were consolidated into one court room.

CHAIR HOKAMA: Okay. With no objections, Members, the Chair will also bring up at the same time Policy Item 1(35).

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you. Policy 35 is also under Settlement Authorization subheading: William L. Larson et al. v. County of Maui et al., Civil No. 09-1-0413(2). Thank you very much, Mr. Wong. If you please would proceed.

MR. WONG: Sure, Chair, as I said earlier, the Larson matter and the Leone matter have been consolidated both into Judge Cahill's courtroom. Both are set for trial on December 1 of this year. It is anticipated that the trial may take, if it goes forward, anywhere between six to eight weeks. We have a settlement conference scheduled for August 22nd in Judge Cahill's courtroom. Judge Cahill has asked that we present the case again to this body prior to August 22nd in order that we can have a full and thorough discussion which is what I want to do in executive session. So I'd at this time request that we move into executive session.

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CHAIR HOKAMA: Any questions for Mr. Wong or Mr. Bilberry in open session, Members? Okay, we have a request for executive session for Policy Item 1(34) and 1(35). The Chair will entertain a motion for executive session pursuant to Section 92-5(a)(4) of the Hawaii Revised Statutes which allows 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 this Committee. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we can go into executive session on these two matters in pursuant to Section 92-5(a)(4) of the Hawaii Revised Statutes.

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

CHAIR HOKAMA: Thank you. I have a motion and a second for executive session. Members, any discussion? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no? Motion passes with eight ayes, one excused, Ms. Cochran.

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

NOES: None.

EXC.: Councilmember Cochran.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

ITEM PIA-1(38): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: RONALD L. SANDATE V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-04-02253) (CC 13-41)

CHAIR HOKAMA: I'm going to bring up now Policy Item 1(38). Also another Settlement Authorization: Ronald L. Sandate v. County of Maui. This is a Disability Compensation Division Case No. 7-04-02253. We are in receipt of communication dated July 2, 2014, from Corporation Counsel, with a proposed resolution authorizing settlement of a disability compensation division case. Mr. Wong?

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MR. WONG: Thank you, Chair. I'm gonna allow Deputy Corporation Counsel, Caleb Rowe provide what he can in open session.

CHAIR HOKAMA: Okay. Thank you. Mr. Rowe.

MR. ROWE: Thank you, Chair. The first issue, No. 38, Ronald Sandate v. County of Maui. Mr. Sandate was a Zoning Inspector II who was injured while driving somewhere for an appointment during his work. Because he was driving for a work appointment, we accepted liability and now we're entering into settlement on the issue of his permanent disability rating. Because it is an ongoing litigation matter, and because it involves private medical information, I'd like to request an executive session on this.

CHAIR HOKAMA: Okay. Thank you very much. Members, any questions for Mr. Rowe you've got in open session? Mr. Couch?

VICE-CHAIR COUCH: It's kind of a disclosure. During the time that Mr. Sandate was employed, I think he still is, I'm not sure. He's retired? Okay. But I was his, the Deputy Director of Planning for a short term. I don't know if that provides a conflict or not, I just wanted to disclose that.

CHAIR HOKAMA: Were you the direct supervisor?

VICE-CHAIR COUCH: Not his direct supervisor, no.

CHAIR HOKAMA: Then, unless Mr. Wong has a legal concern, the Chair would rule that there is no conflict. Mr. Wong?

MR. WONG: No. I don't have a legal concern unless Mr. Couch is suggesting that he may benefit from the resolution of Mr. Sandate's claim, which I don't think is the case.

CHAIR HOKAMA: Right, yeah. So I would rule no conflict, Mr. Couch. You can participate.

VICE-CHAIR COUCH: Okay. Thank you.

CHAIR HOKAMA: Okay. Thank you for that disclosure. Okay. Anything else in open session? If not, you've heard a request from Corporation Counsel for executive session under Section 92-5(a)(4) and Section 92-5(a)(8) of the Hawaii Revised Statutes. These components allow us to meet in 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, as well as to enter into executive session to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to State or Federal law or a court order. Mr. Couch?

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VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we go into executive session on this matter pursuant to Section 92-5(a)(4) and 92-5(a)(8) of Hawaii Revised Statutes.

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

CHAIR HOKAMA: Thank you. Members, we have a motion and a second for executive session. Any further discussion? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no? Motion passes with eight ayes, one excused.

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

NOES: None.

EXC.: Councilmember Cochran.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

ITEM PIA-1(39): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ARNOLD L. TORRES V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-07-01901) (CC 13-41)

CHAIR HOKAMA: May I direct you now to Policy Item 1(39), also under Settlement Authorization. This is under the subheading Arnold L. Torres v. County of Maui, Disability Compensation Division Case No. 7-07-01901. We are in receipt of a correspondence dated July 2, 2014, from Corporation Counsel, who has presented us with a proposed resolution requesting authorization of settlement for Arnold L. Torres which is a disability compensation division case. Mr. Wong, Mr. Rowe?

MR. ROWE: Mr. Torres was employed as a Pipe Fitter II with the Department of Water Supply. On the date of his injury, he was wielding a piece of heavy equipment and injured himself. We are now trying to settle again the issue of his permanent disability and because it's ongoing litigation and involves private medical records, we would like to request an executive session on this matter.

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CHAIR HOKAMA: Okay. Thank you very much. Any questions for Mr. Rowe in open session? Having none, we have a request for executive session which under Hawaii Revised Statutes Section 92-5(a)(4) and Section 92-5(a)(8) which allows this Committee to enter 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, as well as to deliberate and make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to State or Federal Law or a court order. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we go into executive session on this matter pursuant to Section 92-5(a)(4) and 92-5(a)(8) of Hawaii Revised Statutes.

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

CHAIR HOKAMA: Thank you. We have a motion by Mr. Couch, seconded by Ms. Baisa for executive session. Any discussion, Members? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no? Motion passes, eight ayes, one excused, Ms. Cochran.

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

NOES: None.

EXC.: Councilmember Cochran.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR HOKAMA: .We shall be in recess for executive session. . . . (*gavel*). . .

RECESS: 9:58 a.m.

RECONVENE: 11:44 a.m.

CHAIR HOKAMA: . . . (*gavel*). . . The Policy Committee shall return to open session. Members, thank you for allowing the Committee to do its work in executive session.

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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: Regarding Policy Item 1(34) and 1(35) which was litigation matters both on settlement authorization, with no objection, Members, the Chair will defer both items. With Policy Item 1--

MS. NAKATA: Excuse me, Mr. Chair.

CHAIR HOKAMA: Yes

MS. NAKATA: Could Staff request a short recess?

CHAIR HOKAMA: Recess. . . .(gavel). . .

RECESS: 11:45 a.m.

RECONVENE: 11:46 a.m.

CHAIR HOKAMA: . . .(gavel). . . We shall return to order. Members, the Chair is going to bring back Policy Item 1(34) and (35). The Chair stands corrected. Upon the discussion in executive session regarding both Items 1(34) and 1(35) since it relates to similar issues, the Chair will be recommending that the resolution, proposed resolution entitled Authorizing Settlement of Douglas Leone and Patricia A. Perkins-Leone v. County of Maui, et al., Civil No. 07-1-0496(3); as well as proposed resolution entitled Authorizing Settlement of William L. Larson et al. v. County of Maui, et al., Civil No. 09-1-0413(2) be recommended to Council for adoption under the terms and conditions in executive session. May I have a motion? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that both resolutions be adopted.

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

MS. NAKATA: Excuse me, Mr. Chair.

CHAIR HOKAMA: Yes.

MS. NAKATA: Could Staff get some clarification as to whether we need a single resolution for the consolidated cases or whether two separate resolutions for each case will suffice?

CHAIR HOKAMA: Mr. Wong, what would serve your purposes better?

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MR. WONG: Chair, at the moment, given the fact that it was posted as two separate resos, I would prefer that it be handled the same, in same fashion...

CHAIR HOKAMA: Okay.

MR. WONG: ...that would provide us with the equal authority once we deal with it in Circuit Court.

CHAIR HOKAMA: Okay. Understood, Staff? Okay. Members, are you clear, we are passing two resolutions under one motion?

COUNCILMEMBER BAISA: Yes.

CHAIR HOKAMA: One for Item 1(34) and 1(35). Again, under the terms and conditions of executive session. Any further discussion? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Crivello, Guzman, and White.

NOES: None.

EXC.: Councilmembers Cochran and Victorino.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolutions.

ITEM PIA-1(38): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: RONALD L. SANDATE V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-04-02253) (CC 13-41)

CHAIR HOKAMA: Thank you very much, Members. Under Policy Item 1(38), this is also under Litigation Matters (Settlement Authorization: Ronald L. Sandate v. County of Maui, Disability Compensation Division Case 7-04-02253). The Chair is recommending to Council adoption of

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the proposed resolution entitled Authorizing Settlement of Ronald L. Sandate v. County of Maui, Disability Compensation Division Case No. 7-04-02253. Mr. Couch?

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

COUNCILMEMBER BAISA: So move. Second.

CHAIR HOKAMA: I have a motion and a seconded made by Mr. Couch and Ms. Baisa. Any discussion, Members? 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, Carroll, Crivello, Guzman, and White.

NOES: None.

EXC.: Councilmembers Cochran and Victorino.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

ITEM PIA-1(39): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ARNOLD L. TORRES V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-07-01901) (CC 13-41)

CHAIR HOKAMA: Last item before the Committee this morning is Policy Item 1(39) under Litigation Matters. This is also regarding Settlement Authorization: Arnold L. Torres v. County of Maui, Disability Compensation Division Case No. 7-07-01901. The Chair will be recommending to Council adoption of a proposed resolution entitled Authorizing Settlement of Arnold L. Torres v. County of Maui, Disability Compensation Division Case No. 7-07-01901. Mr. Couch?

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

COUNCILMEMBER BAISA: Second.

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CHAIR HOKAMA: I have a motion and a second by Mr. Couch and Ms. Baisa. Members, any discussion? 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, Carroll, Crivello, Guzman, and White.**

NOES: **None.**

EXC.: **Councilmembers Cochran and Victorino.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: **Recommending ADOPTION of resolution.**

CHAIR HOKAMA: We have completed our day's requirement, so thank you, Members. This Committee meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:51 a.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

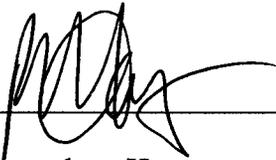
POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

July 28, 2014

CERTIFICATE

I, Bernadette Haupu, 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 11th day of August, 2014, in Haliimaile, Hawaii



Bernadette Haupu