

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

September 23, 2014

Council Chamber, 8th Floor

CONVENE: 9:01 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 Elle Cochran, Member (Out 9:31 a.m.)
Councilmember Stacy Crivello, Member (In 9:02 a.m.)
Councilmember Don S. Guzman, Member
Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member (In 10:03 a.m.)

STAFF: Carla Nakata, 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(25))
Tivoli S. Faaumu, Chief, Department of Police (Item PIA-1(41))
Kyle K. Ginoza, Director, Department of Environmental Management (Item PIA-1(43))
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
(Items PIA-2(35), -81)
Thomas W. Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel
(Items PIA-1(41), -1(43))
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel

OTHERS: Rosemary Robbins (Item PIA-81)

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 our meeting of the 23rd of September 2014. Present at today's meeting is our Vice-Chairman Mr. Couch.

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

CHAIR HOKAMA: Good morning. And our Committee Members, Mr. Carroll.

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COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR HOKAMA: Good morning, sir. Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR HOKAMA: Good morning. Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR HOKAMA: Mr. Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR HOKAMA: And Mr. Victorino.

COUNCILMEMBER VICTORINO: Good morning and aloha, Chair.

CHAIR HOKAMA: Chair excuses Ms. Crivello and Mr. White. Do we have any requests for testimony today, please, any, Ms. Frias?

MS. FRIAS: No, Mr. Chair. Oh, wait . . . I don't have the form. . . . *(inaudible)* . . .

CHAIR HOKAMA: Okay, we'll get her paper work. Okay. And joining us is Ms. Crivello this morning.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: Good morning. It's Tuesday. Hey, why don't you share your thoughts with us and we'll get the paper work squared away after your testimony.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. ROBBINS: I left it out there.

CHAIR HOKAMA: That will be fine. Thank you.

MS. ROBBINS: Good morning, everybody.

CHAIR HOKAMA: Good morning.

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MS. ROBBINS: Here . . . of sharing about PIA-81, the Employee Communication Directive and the following on Page 2 of today's agenda. I came down yesterday and went through the binders for that, very interesting so I'd like to do the chronology of how we got to where we are today. Many thanks . . .

CHAIR HOKAMA: Before you start, would you please identify yourself, please?

MS. ROBBINS: I'm sorry. Rosemary Robbins.

CHAIR HOKAMA: Thank you.

MS. ROBBINS: Concerned citizen.

CHAIR HOKAMA: Thank you.

MS. ROBBINS: Okay. Many thanks to the Chair person of this County Council for having followed up on this; very nicely done. Very readable so anybody who would like to read about this head to the 7th floor. Those binders are there for anybody who would like to see this. Okay. On June 18 of 2014 there was correspondence entitled "Employee Communication Directive", and the Mayor established policies for communication between the Executive and Legislative branches of the County Council. That was June 18, 2014. Then correspondence dated July 14th, Council Chair requested legal advice from the Department of the Corporation Counsel regarding the directive. On July 28, 2014, the Department of the Corporation Counsel provided a legal opinion to the Council Chair; however, each page of that opinion included a statement made by a stamp in red ink . . . no clue on who, indicating that the legal opinion is privileged and should not be reproduced or distributed. Council Chair in correspondence on August 11, 2014, requested that the Department of the Corporation Counsel resubmit the legal opinion without a privileged stamp in red. Now, on the 18th of August, the Department of the Corporation Counsel did transmit the legal opinion without the red privileged stamp but advised in a separate cover memorandum that the legal opinion is still subject to attorney-client privilege and adoption of a Council resolution is the proper means of avoiding that privilege.

MS. NAKATA: Two and a half minutes.

MS. ROBBINS: So, when we get to that today we also need to know that our Council Chair had checked with the Department of . . . the Office of Information and it says that State law says that anyone can request records. So those are . . .

MS. NAKATA: Three minutes.

MS. ROBBINS: Okay. Attention . . . attentive concerned citizen's value pono integrity. We need to remember about the County Charter in 2012, and thanks to those who got that on that Charter

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and the people voted it in. So we need to make sure that promises including on transparency construct a route that needs to be warped and not just tucked. Thank you.

CHAIR HOKAMA: Thank you. Any questions for Ms. Robbins on testimony provided today, Members? Having none; Ms. Robbins, thank you for your testimony.

MS. ROBBINS: You're welcome.

CHAIR HOKAMA: Anyone else for the Chambers, Ms. Frias?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you. Hana Office, anyone wishing to provide testimony, please?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR HOKAMA: Thank you. Lanai Office, anyone wishing to provide testimony, please?

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

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

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

CHAIR HOKAMA: Thank you very much, ladies. Members, there is no further request for testimony. If there are no objections, we shall close testimony for today's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you very much. So ordered.

...END OF PUBLIC TESTIMONY...

ITEM PIA-2(35): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(COUNCIL ON AGING) (CC 13-42)

CHAIR HOKAMA: May I please direct you to Policy Item 2(35). This is under the heading of Nominations to Boards, Committees, and Commissions, subheading – the Council on Aging. This morning because of the situation, the Council has the opportunity to nominate a member for

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this Council. The Council already took action stating that the Mayor had passed his period of nominating a person to the Council on Aging. Your Chair has contacted Mr. Wickman, as you will see at the back of your binders on this item, Members. Mr. Wickman is still requesting consideration for this position. He states his volunteer work with Hospice Maui and Na Hoaloha as experiences. And although he's not present at this time, he did communicate his willingness to serve. Any questions for your Chair on what is before the Committee, Members? Any questions? Your Chair's recommendation is to forward a proposed resolution entitled "APPROVING THE APPOINTMENT OF PAUL WICKMAN AS A MEMBER OF THE COUNCIL ON AGING". Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve the resolution entitled "APPROVING THE APPOINTMENT OF PAUL WICKMAN AS A MEMBER OF THE COUNCIL ON AGING".

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

CHAIR HOKAMA: Okay. We have a motion made by Mr. Couch, seconded by Ms. Baisa. Any discussion, Members? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I know Mr. Wickman. I worked with him in the South Maui volunteers and I have spoken with him about this and he'll do a really good job.

CHAIR HOKAMA: Okay.

VICE-CHAIR COUCH: So I appreciate the nomination, sir.

CHAIR HOKAMA: I think that Mr. Wickman has shown his willingness and experience of already volunteering so I believe he's a good choice. And it came from the Administration and this Committee Chair is happy to endorse. Any further comments, Members? Having none; all those in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Oppose say "no"? Motion passes with eight ayes, one excused - Mr. White.

VOTE:	AYES:	Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, and Victorino.
	NOES:	None.
	EXC.:	Councilmember White.
	ABSENT:	None.

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ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

CHAIR HOKAMA: We shall forward the recommendation to the full Council. Thank you very much. Oh, sorry, Mr. Molina. Thank you.

ITEM PIA-81: EMPLOYEE COMMUNICATION DIRECTIVE (CC 14-228)

CHAIR HOKAMA: May I please direct you, Members, to Policy Item 81. This is under the heading of Employee Communication Directive. Specifically we are dealing with a communication dated 14-228, from Council Chair Ms. Baisa, with 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'". We are also in receipt of a proposed resolution to waive the privilege from Corporation Counsel to a legal opinion from Corporation Counsel dated July 28, 2014, relating to the Mayor's directive dated June 18, 2014. At this time, I'll ask Ms. Baisa if she'd like to share any comments on this item.

COUNCILMEMBER BAISA: Thank you very much, Chair. As you can see, there was a whole lot of back and forth here with legal opinions, and I would like to ask Mr. Ueoka if he could kind of give us a summary of what came out of all those meetings.

CHAIR HOKAMA: Short recess. . .(*gavel*). . .

RECESS: 9:12 a.m.

RECONVENE: 9:14 a.m.

CHAIR HOKAMA: . . .(*gavel*). . . We shall reconvene this Policy Committee meeting. Members, with no objections, the Chair is going to push back Policy Item 81 until we have the appropriate representatives to have the discussion we need regarding this item from Chair Baisa. So I'm going to defer this and bring up now Policy Item 1(41), please?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: MW).

ACTION: DEFER item to the end of the calendar.

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ITEM PIA-1(41): LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41)

CHAIR HOKAMA: Policy Item 1(41) is under the title of Litigation Matters, specifically as Indemnification Authorization request - Marvin Kalani Miles v. Maui Police Chief Gary Yabuta, et al., Civil 14-00278 BMK. We are in receipt of correspondence dated August 4, 2014, from the Department of the Corporation Counsel where they have proposed a resolution entitled "INDEMNIFYING GARY YABUTA IN MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIV. NO. 14-00278 BMK". This is regarding an alleged complaint from Mr. Miles as well as injuries and damages that have been alleged as a result of termination of employment on May 31, 2012. What is before us is an indemnification request from the Department, and we have today Mr. Tom Kolbe from Corporation Counsel, and our new Chief Mr. Tivoli Faaumu. So, first, I'll ask Corporation Counsel Kolbe to give us what he can in open session, please?

MR. KOLBE: Good morning. Thank you, Mr. Chair. This is a civil lawsuit involving a number of claims regarding former Chief Yabuta as the disciplinarian of Kalani Miles and his allegations that his union affiliations were a reason for animosity by the Department and the basis for him being terminated. The case is presently set in the U.S. District Court. We removed it and Mr. Miles, his attorney moved to withdraw as Counsel and so is not presently Counsel but we have filed a motion to dismiss this case. Nonetheless, Chief Yabuta has been named in this case and for the reason that he was the Chief at the time of this lawsuit and the allegations we need to request that you indemnify him and I can speak to the strengths of the case in executive session.

CHAIR HOKAMA: Okay. Thank you very much, Mr. Kolbe. Chief, welcome to the meeting. Congratulations on your appointment, sir. Well deserved.

MR. FAAUMU: Thank you, Mr. Chairman.

CHAIR HOKAMA: Is there anything you'd like to share and can share in open session at this time if you would care to, please do so?

MR. FAAUMU: Mr. Chairman, I don't have anything to share at this time.

CHAIR HOKAMA: Okay. Thank you very much. So, maybe just certain things we'll ask Mr. Kolbe in open session that the Chair feels pertinent, and also we shall consider his request for executive session. So, Mr. Kolbe, as the Committee has just been informed by you, the Plaintiff does not currently have legal representation as we understand it as of today. Is that correct?

MR. KOLBE: That's correct. Generally speaking, there would be a notice of entry of counsel and that hasn't happened so officially he does not have representation. At a settlement conference we had

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earlier, his former counsel indicated that Mr. Miles was going to be getting counsel but as of this point, he hasn't done so yet.

CHAIR HOKAMA: Okay. So as we understand it and correct me if I misunderstood it, Mr. Kolbe, the County has already filed a Motion for Summary Judgment or to dismiss the charges, is that correct?

MR. KOLBE: That's correct.

CHAIR HOKAMA: Since Mr. Miles has no attorney, does this put us in a holding pattern? Can the court and the judge issue a decision and a judgment or must we wait for a Plaintiff to have appropriate representation?

MR. KOLBE: Generally speaking, he is going to have as a pro se Plaintiff is going to have obligations to file answers like anyone else would if he was counseled. It's not uncommon though for the courts to grant pro se litigants a little bit more leniency in terms of those dates and so if he somehow blew his date to submit any opposition to the motion, the court could I guess give him further time to do so if he represented to the court that he was in the process of getting another attorney. The motion is set for November 24th and so I think that this issue will probably be resolved fairly soon.

CHAIR HOKAMA: Okay. With that what you could share with us in this open session, Mr. Kolbe, is the request for indemnification at this time still appropriate before this Committee? I'm thinking we're going to win that motion in court but that's just me.

MR. KOLBE: Well, I don't want to comment too much on the strength in open session of the motions.

CHAIR HOKAMA: Understood.

MR. KOLBE: It would be if it was granted in full just positive of all of the claims but I think it's understandable that employees and former employees would want to have legal protections that the indemnification would grant them, and so I think it's appropriate to move forward with the indemnification, and if we are successful in the motion that will resolve it. If not, we have taken that step and resolved that particular issue.

CHAIR HOKAMA: Okay. I'll ask the Committee if they have any questions or thoughts. Vice-Chairman Couch, any questions?

VICE-CHAIR COUCH: No, thank you.

CHAIR HOKAMA: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: No.

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CHAIR HOKAMA: Mr. Guzman?

COUNCILMEMBER GUZMAN: No, not in open session.

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

COUNCILMEMBER VICTORINO: Not in open session.

CHAIR HOKAMA: Ms. Crivello?

COUNCILMEMBER CRIVELLO: None.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Not at this time. Thank you.

CHAIR HOKAMA: Okay. You've heard Mr. Kolbe's request for executive session. The Chair believes there's some additional information that the Members can receive to make a more informed decision on this matter. So the Chair will entertain a motion for executive session on Policy Item 81 under Hawaii Revised Statutes Section 92 . . .

MS. NAKATA: Excuse me, Mr. Chairman.

CHAIR HOKAMA: Yes.

MS. NAKATA: This is for PIA-1(41).

CHAIR HOKAMA: Oh, excuse me. Correct. Thank you for that correction. This would be for Policy Item 1(41). Excuse me. Let us be clear that the Chair will be entertaining executive session for Policy 1(41), Litigation Matters. This is the Indemnification Authorization request of Marvin Kalani Miles v. Maui Police Chief Gary Yabuta, et al., Civil No. 14-00278 BMK. And this is permitted by Hawaii Revised Statutes Section 92-5(a)(4), which allows this Committee to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and this Committee. Mr. Couch?

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

COUNCILMEMBER BAISA: I second the motion, Chair.

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CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Members, any discussion on the motion? With 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 - Mr. Carroll and Mr. White.

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

NOES: None.

EXC.: Councilmembers Carroll and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

ITEM 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)) (CC 13-41)

CHAIR HOKAMA: Let me also at this time bring up Policy Item 1(43), still in open session. This is also under the heading of Litigation Matters. This is a status posting regarding Tracy N. Takamine v. County of Maui, et al., Civil No. 14-00335 JMS-KSC; and Tracy N. Takamine v. Kyle Ginoza, et al., Civil No. 14-1-0450 (2). We are in receipt of correspondence dated September 8, 2014, from the Department of the Corporation Counsel requesting for a status update regarding the two litigation matters that the Chair has just read into the record. At this time, I will ask Mr. Kolbe if there's anything in open session he wishes to share regarding Policy 1(43).

MR. KOLBE: Thank you, Mr. Chair. The purpose of this meeting is to provide you information in executive session regarding the lawsuits and other recent events. So I would not make any statements in open court at this time, and what we would request is that we go into an executive session to discuss both of the lawsuits.

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CHAIR HOKAMA: Okay, thank you very much. Members, any questions for counsel, legal counsel on what is before us in open session? Having none, the Chair will entertain a motion for executive session as provided by Hawaii Revised Statutes Section 92-5(a)(4) 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 to go into executive session pursuant to Hawaii Revised Statutes 92-5(a)(4) for this matter.

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

CHAIR HOKAMA: Thank you. Have a motion made by Mr. Couch, seconded by Ms. Baisa for executive session on Policy Item 1(43). Any discussion, Members? With 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 - Mr. White and Mr. Carroll.

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

NOES: None.

EXC.: Councilmembers Carroll and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR HOKAMA: We shall take a . . . one second. You want to deal with the Policy directive, Mr. Wong?

MR. WONG: Yes.

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CHAIR HOKAMA: Okay. Before we take a recess, Members, for executive session purposes, the Chair will bring back at this time before the Committee, Policy Item 81, under the heading of Employee Communication Directive. Are we okay, Ms. Frias?

MS. FRIAS: Yes.

CHAIR HOKAMA: Okay, thank you.

ITEM PIA-81: EMPLOYEE COMMUNICATION DIRECTIVE (CC 14-228)

CHAIR HOKAMA: As we brought up earlier, Members, this is from a communication from our Chair, Ms. Baisa, dated . . . numbered 14-228. I would ask Mr. Wong if he can give us some comments. Or is that what you wish for, Ms. Baisa?

COUNCILMEMBER BAISA: Uh, yes, Mr. Chair. I think it's important that Corp. Counsel explain the legal things that have gone on in regards to this communication.

CHAIR HOKAMA: Okay. Thank you very much. Mr. Wong, if you would, please?

MR. WONG: Sure, Chair, Committee Members. My office received a communication from the Chair requesting response to questions posed. Those questions were researched and responded to in a memorandum. And given the topic involved we believe that the communication and response should be covered by your attorney-client privilege. I am prepared to provide you in executive session, if you so choose, the information that was provided to the Chair.

CHAIR HOKAMA: Thank you, Mr. Wong. Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. Based on the communication that I've had with Corp. Counsel, I would request that we go into executive session with your approval and the Members.

CHAIR HOKAMA: We have a request, Members, for executive session as it deals with this specific item - Policy Item 81. Any questions for your Chair at this time? If not, I will . . . yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Chair, the limited issue is whether we're going to be passing the resolution to waive attorney-client privilege, correct?

CHAIR HOKAMA: The way the Chair currently sees it, Mr. Guzman, is whether or not the opinion given to Ms. Baisa, as our Council Chair, needs to be remained in a secured and confidential manner even after she requested that it be not. That's my understanding of the unique situation. The Chair requested that it not be covered by attorney-client privilege. Our attorney has

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requested that there's enough sensitivity to the matter that in his opinion it is to our benefit to retain that privilege that is part of the executive session discussion.

COUNCILMEMBER GUZMAN: All right. Thank you, Chair.

CHAIR HOKAMA: Okay, anything else for your Chair? That is as your Chair sees it at this time, Members. Okay. The Chair will entertain a motion for executive session under Hawaii Revised Statutes 92-5(a)(4), which allows this Committee to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and this Committee. Ms. Baisa?

COUNCILMEMBER BAISA: I so move, Chair.

CHAIR HOKAMA: Thank you.

VICE-CHAIR COUCH: Second.

CHAIR HOKAMA: I have a motion by Ms. Baisa, seconded by Mr. Couch. 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 - Mr. Carroll and Mr. White.

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

NOES: None.

EXC.: Councilmembers Carroll and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

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

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RECESS: 9:31 a.m.

RECONVENE: 11:58 a.m.

CHAIR HOKAMA: . . .(*gavel*). . . Meeting for the Policy Committee shall return to open session. Members, thank you for those meetings that were required for executive session.

ITEM PIA-81: EMPLOYEE COMMUNICATION DIRECTIVE (CC 14-228)

CHAIR HOKAMA: If I may direct you to Policy Item 81, under the Employee Communication Directive. I think in executive session we have heard that there are still things that we need to get additional information on. There are certain intricacies that we need to discuss in ensuring that we can be as transparent to the maximum degree possible to inform our community of the workings of the Council at least. And the Chair will just state that it is interesting for the Chair, and I will note that I believe the Legislative Branch is the most open branch compared to the Judiciary and Executive Branch or Administration Branch. We are bound to do open meetings. We are bound to make decisions in an open process. The other two branches for whatever reasons are not required under those same standards but being so this Chair of this Committee as well as knowing all of you Members, sitting Members of the Committee also support continued openness and transparency in decisions made on the people's behalf. So stating that, Members, I will allow Mr. Wong to continue to work on this and report back to the Committee so with no objections we shall defer Policy Item 81.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

CHAIR HOKAMA: Thank you very much. Item is deferred.

ACTION: DEFER pending further discussion.

ITEM PIA-1(41): LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41)

CHAIR HOKAMA: Under Policy Item 1(41), Members, Litigation Matters, the Chair will entertain a motion to recommend to Council adoption 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". Mr. Couch?

VICE-CHAIR COUCH: Mr. Chair, I move to approve the proposed resolution.

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COUNCILMEMBER BAISA: Second.

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

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed say "no"? Motion passes with eight ayes and 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: Recommending ADOPTION of resolution.

ITEM 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)) (CC 13-41)

CHAIR HOKAMA: If I can direct you now to Policy Item 1(43) under also the heading of Litigation Matters. This was the status report in regards to Tracy N. Takamine v. County of Maui, et al., Civil No. 14-00335 JMS-KSC; and Tracy N. Takamine v. Kyle Ginoza, et al., Civil No. 14-1-0450 (2). The Chair will be recommending deferral of this item. Any objections, Members?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: EC).

CHAIR HOKAMA: This item is deferred.

ACTION: DEFER pending further discussion.

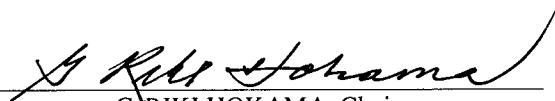
POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

September 23, 2014

CHAIR HOKAMA: No further business before the Committee. Thank you for your presence. This meeting is adjourned. . . .(*gavel*). . .

ADJOURN: 12:02 p.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:140923

Transcribed by: Jo-Ann Sato