

POLICY COMMITTEE

Council of the County of Maui

MINUTES

August 5, 2008

Council Chamber, 8th Floor

CONVENE: 1:34 p.m.

PRESENT: Councilmember G. Riki Hokama, Vice-Chair
Councilmember Michelle Anderson, Member (In 1:37 p.m.)
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member (In 1:35 p.m.)
Councilmember Michael J. Molina, Member (Out 2:15 p.m.)
Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

EXCUSED: Councilmember Danny A. Mateo, Chair
Councilmember Bill Kauakea Medeiros, Member

STAFF: Gayle Revels, Legislative Analyst (Item No. 2(13) and 46)
Kirstin Hamman, Legislative Attorney (Item No. 1(22), 4(7), and 50(1))
Ken Fukuoka, Director of Council Services (Item No. 50(1))
Camille Sakamoto, Committee Secretary

ADMIN.: Marian Feenstra, Executive Assistant, Office of the Mayor (Item No. 2(13))
Jeffrey Murray, Chief, Department of Fire and Public Safety (Item No. 46)
Robert Shimada, Deputy Chief, Department of Fire and Public Safety (Item No. 46)
Victor Ramos, Captain, Department of Police (Item No. 46)
Wayne Ribao, Assistant Chief, Department of Police (Item Nos. 1(22) and 4(7))
Traci Fujita Villarosa, First Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 2(13))
Kimberly A. Sloper, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 46)
Moana M. Lutey, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item Nos. 1(22) and 4(7))
Mary Blaine Johnston, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 50(1))

Seated in the gallery:

Gen Inuma, Administrator, Civil Defense Agency (Item No. 46)

OTHERS: Melissa Prince (with video camera)
Representative, Haleakala National Park/U.S. National Park Service
One (1) additional unidentified attendees

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

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VICE-CHAIR HOKAMA: . . .(*gavel*). . . Council's Policy Committee with a meeting date of 5 August, 2008 shall come to order. Let the record show today in, present for the Committee meeting, we have Members Baisa, Molina, Pontanilla, Victorino. Absent and excused are Mr. Mateo. . .Ms. Anderson, Ms. Johnson, and Mr. Medeiros. Members, I'm conducting this meeting as. . .for Mr. Mateo who is unfortunately under the weather, and therefore the works of the Committee things to work on. But I just wish to express to Mr. Mateo a speedy recovery, and we hope to have him back very soon. Also present for today's Policy Committee meeting is Ms. Johnson.

. . . Ms. Sakamoto, have we received any request for testimony?

MS. SAKAMOTO: No, Mr. Chair.

VICE-CHAIR HOKAMA: Okay, Members, we'll leave it open for a few more minutes. At this time, Members, I direct your attention to POL-2(13), nominations to board, committees, and commissions.

ITEM NO. 2(13): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (C.C. No. 07-7)

VICE-CHAIR HOKAMA: This afternoon we have with us. . .Ms. Fujita Villarosa representing Corporation Counsel, and Ms. Feenstra representing the Office of the Mayor. Ms. Feenstra, do you have any comments you wish to share with the Committee regarding the nominations for the Civil Service Commission, David Hunkins; Maui County Commission on Person with Disabilities, Warren Gouveia; Molokai Planning Commission, Taryn Waros; and Real Property Tax Review Board, Joshua Lindsey?

MS. FEENSTRA: Good afternoon, Members of the Council and Chair. I would just like to thank the four nominees for volunteering their time and putting effort the effort to serve the community.

VICE-CHAIR HOKAMA: Thank you. Members, discussion, questions regarding the nominees for the various boards and commissions as sent down by Mayor Tavares on the communication dated 2 July, 2008? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm not familiar with all of the nominees, but I would like to speak in support of Mr. Warren Gouveia to be on the Maui County Commission on Persons with Disabilities. Mr. Gouveia is an accomplished speaker. A, he used to be very active in the Department of Education until he suffered a disabling condition. And he frequently speaks on behalf of the disability community. Is very familiar with it and the services and what is needed. And so I think he will be a *great* addition to the Commission.

VICE-CHAIR HOKAMA: Thank you. Members? Mr. Victorino?

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COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. And I also share the same sentiment with, with . . . Mr. Gouveia. I've known Mr. Gouveia for many, many years and I'm very happy to see him coming forward to assist us with persons of, with disabilities. Also Joshua Lindsey. . . I known the Lindsey family for many years and saw Josh grow up, and now as a young man who's partaking and, and participating in, in the community. And I'm very proud to see him come forward and, and be part of this, the Real Property Tax Review Board. So I wish both of them, and all four of them continued success, and I look forward working them if they, if the opportunity comes forward. Thank you, Mr. Chair.

VICE-CHAIR HOKAMA: Thank you . . . *(laughter)*. . . And the Chair welcomes Ms. Anderson to today's proceedings.

COUNCILMEMBER BAISA: With a bang.

ALL: . . . *(laughter)*. . .

VICE-CHAIR HOKAMA: Thank you for your, noticing . . . *(laughter)*. . .

ALL: . . . *(laughter)*. . .

VICE-CHAIR HOKAMA: . . . making me notice your presence.

COUNCILMEMBER BAISA: . . . *(laughter)*. . .

COUNCILMEMBER ANDERSON: Thank you, Chair.

ALL: . . . *(laughter)*. . .

VICE-CHAIR HOKAMA: Members, any further questions, comments?

. . . With none, the Chair recommends approval of the very, of the following nominees: Mr. David Hunkins to the Civil Service Commission, replacing Brian Cremer. . . for an expiration of 3/31/10. . . Warren Gouveia, replace, replacing Patricia Duckworth on Maui County Commission on Persons with Disabilities with an expiration of 3/31/09. . . Taryn Waros, Molokai Planning Commission, replacing Linda Kauhane, expiring 3/31/12; and Mr. Joshua Lindsey, replacing Jay Armstrong on the Real Property Tax Review Board, expiring on 3/31/09.

COUNCILMEMBER BAISA: So moved.

COUNCILMEMBER VICTORINO: Second.

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VICE-CHAIR HOKAMA: I have a motion made by Ms. Baisa, second by Mr. Victorino. Discussion, Members? With none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

VICE-CHAIR HOKAMA: Opposed say "no". Motion is carried.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Molina, Pontanilla, Victorino, and Vice-Chair Hokama.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Medeiros and Chair Mateo.

MOTION CARRIED.

ACTION: Recommending APPROVAL of all nominations and TRANSMITTAL of copy of the committee report to the Mayor.

VICE-CHAIR HOKAMA: We thank Ms. Feenstra for your presence this morning. Members, let me direct you to Item 46.

COUNCILMEMBER VICTORINO: That was quick.

NOTE: Pause.

VICE-CHAIR HOKAMA: . . . Members, Item 46 . . .

ITEM NO. 46: INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN HALEAKALA NATIONAL PARK/U.S. NATIONAL PARK SERVICE AND THE COUNTY OF MAUI (FIREFIGHTING, LAW ENFORCEMENT, AND EMERGENCY SERVICES "MUTUAL AID" RELATIONSHIP) (C.C. No. 08-74)

VICE-CHAIR HOKAMA: . . . is relating to an intergovernmental agreement and Memorandum of Understanding between Haleakala National Park/U.S. National Park Service and the County of Maui. This is regarding County Communication 08-74. And with us this afternoon from the Department of Police, we have Captain Ramos; and from Corporation Counsel, we have Deputy Kimberly Sloper.

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. . . Members, the Committee did take this up earlier, and I'll ask. . . Ms. Revels to give the Committee a status on what is before the Committee this afternoon. . . after the previous Committee meeting. Ms. Revels?

MS. REVELS: Thank you, Mr. Chair. After the previous Committee meeting, the Policy Committee Chair, Danny Mateo, sent a letter to Corporation Counsel dated July 23rd, asking the three questions that the Committee had wanted. And then on July 29th, we received a response from Corporation Counsel answering all questions that was put forth by the Committee. And then as of yesterday, we received a revised ordinance. The ordinance is actually the same as the previous one, but the attachment is different, which reflects the revised MOU.

VICE-CHAIR HOKAMA: Thank you. Members, also present this afternoon, we have our Fire Chief and our Deputy Chief. As you are well aware, both Police and Fire Departments of the County of Maui do. . . participate and respond. . . as per agreed to under the Memorandum of Understanding regarding request from the National Park Service or Haleakala National Park. Members, questions for either our Fire Department or Police Department with the item before you?

. . . I will ask, though, since Captain Ramos was here earlier--Captain Ramos, do you have anything you wish to share with the Committee prior to action?

MR. RAMOS: No, I don't. I just wanna say good afternoon to everybody here.

COUNCILMEMBER VICTORINO: . . . *(laughter)* . . .

VICE-CHAIR HOKAMA: Thank you, Captain. Chief. . . any comments from the Fire Department, please?

MR. MURRAY: Good afternoon. . . not at this time. Thank you.

VICE-CHAIR HOKAMA: Thank you. Deputy Chief?

MR. SHIMADA: Good afternoon, no questions at this time.

VICE-CHAIR HOKAMA: Okay. Thank you. Ms. Sloper, is there any additional comment from the Office of the Corporation Counsel regarding the item before Committee?

MS. SLOPER: Thank you, Chair. Nothing from our Department other than the additional Exhibit that was added.

VICE-CHAIR HOKAMA: Okay. Members, if there's no--yes, Ms. Baisa?

COUNCILMEMBER BAISA: Just a comment that I have reviewed the responses to what the Chair has asked, and I'm satisfied and ready to vote. Thank you.

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VICE-CHAIR HOKAMA: Okay. Thank you. If there be no further questions, the Chair is recommending approval of a bill for an ordinance authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement, Memorandum of Understanding to document a firefighting, law enforcement, and emergency services "mutual aid" relationship between Haleakala National Park/U.S. National Park Service and the County of Maui, State of Hawaii; and the filing of the communication.

COUNCILMEMBER VICTORINO: So moved.

COUNCILMEMBER PONTANILLA: Second.

VICE-CHAIR HOKAMA: I have a motion made by Mr. Victorino, seconded by Mr. Pontanilla. Further discussion, Members? With none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

VICE-CHAIR HOKAMA: Opposed say "no". Motion is carried--we have seven "ayes"; two excused, Mr. Mateo and Mr. Medeiros.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Molina, Pontanilla, Victorino, and Vice-Chair Hokama.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Medeiros and Chair Mateo.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised proposed bill and FILING of communication.

VICE-CHAIR HOKAMA: Gentlemen, lady, we thank you for your presence to the Policy Committee this afternoon.

COUNCILMEMBER VICTORINO: . . .*(laughter)*. . .

VICE-CHAIR HOKAMA: Members, I direct you now to POL-1(22), it is a settlement authorization of claims and lawsuits, Donald Gunn, Claim Number 2005-022 under County Communication 07-11.

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**ITEM NO. 1(22): SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(DONALD GUNN, CLAIM NO. 2005-022) (C.C. No. 07-11)**

VICE-CHAIR HOKAMA: This afternoon, assisting the Committee will be Deputy Counsel Lutey, as well as Assistant Chief Ribao.

NOTE: *Pause.*

VICE-CHAIR HOKAMA: . . . Okay, stay with me, Members. We are going to go through this. I'll ask first Corporation Counsel Lutey if she has any comments she wishes to share with the Committee.

MS. LUTEY: I do, thank you, Chair. Good afternoon, Council.

ALL: Good afternoon.

MS. LUTEY: I believe that this matter can be handled in open session, so we'll try that. If there's questions that requires to go into executive, at that time I will request it. Basically this claim arises out of a car accident involving a County vehicle and a vehicle operated by Mr. Gunn. I've provided you with substantial documentation regarding this particular claim. The basic facts are that on September 11th, 2004, a police officer was headed north on Puunene Avenue when he collided with Mr. Gunn's vehicle that was traveling west on Dairy Road. . .that collision caused Mr. Gunn's vehicle to then collide into a third vehicle at the intersection of Puunene and Kuihelani Highway. At the time of the collision, the officer was in an emergency mode, his lights were activated and sirens were not on. And Mr. Gunn, I'm sorry, sustained injuries in this accident. He's agreed to resolve his claim by settlement in the amount of 15,000 dollars. So I am here today to request settlement authority in the amount of 15,000 dollars.

VICE-CHAIR HOKAMA: Thank you, Deputy Counsel. Assistant Chief Ribao, do you have any comments you wish to share with the Committee at this time?

MR. RIBAO: No, at this time, no, no comments from me.

VICE-CHAIR HOKAMA: Thank you, Chief. Members, questions, comments regarding the item? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Just out of curiosity sake, our police officer. . .the condition. . .that he was in. . .

MR. RIBAO: No, I'm not--

COUNCILMEMBER MOLINA: . . . any, any injuries there?

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MS. LUTEY: It's my understanding--I can answer that Chairman. . .uh, I'm sorry, Councilmember Molina. He was, he sustained some airbag. . .deployment injuries, but nothing that would keep him out of work for prolong period of time. He is actively employed by us.

COUNCILMEMBER MOLINA: Okay. Thank you.

MS. LUTEY: You're welcome.

COUNCILMEMBER MOLINA: Thank you, Chair.

VICE-CHAIR HOKAMA: Thank you, Mr. Molina. Further questions? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. When entering a intersection does a, you know, not only the lights, but do you flip on your sirens, especially on intersections?

MR. RIBAO: Our. . .policy requires lights and sirens when an officer is going in emergency mode.

COUNCILMEMBER PONTANILLA: And on this one here, siren wasn't . . .*(inaudible due to interruption)*--

MR. RIBAO: According to the report, no.

COUNCILMEMBER PONTANILLA: Okay. Fine. Thank you.

VICE-CHAIR HOKAMA: Thank you. Members, any further questions for either Corporation Counsel or Chief Ribao? Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Ms. Lutey, does this settlement cover all the damages sustained by Mr. Gunn?

MS. LUTEY: Yes, Councilmember Anderson. It's, I can't say it covers all of his damages, but it is the amount he has agreed to accept to compensate him for his injuries in this particular collision.

COUNCILMEMBER ANDERSON: Oh, this is for his injuries, not for the car?

MS. LUTEY: It's not for the car. No, that was separate.

COUNCILMEMBER ANDERSON: And so. . . has he already received compensation for this car?

MS. LUTEY: It, it actually was a rental car, so the rental car company filed a subrogation claim. And that was resolved by us. And, so this is just for his personal injury claims.

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COUNCILMEMBER ANDERSON: Okay. Thank you. Thank you, Chair.

VICE-CHAIR HOKAMA: Thank you, Ms. Anderson. Further questions, Members?

COUNCILMEMBER VICTORINO: No.

VICE-CHAIR HOKAMA: If not, the Chair is recommending approval of the settlement, on a proposed resolution entitled: authorizing settlement of Claim Number 2005-022 of Donald Gunn.

COUNCILMEMBER VICTORINO: So moved.

COUNCILMEMBER PONTANILLA: Second.

COUNCILMEMBER BAISA: Second.

VICE-CHAIR HOKAMA: Okay, I have a motion from Mr. Victorino. . .I believe was seconded by. . .Mr. Pontanilla. Discussion, Members? With none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

VICE-CHAIR HOKAMA: Opposed say "no". Motion passes. We have seven "ayes"; two "excused", Mr. Mateo and Mr. Medeiros.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Molina, Pontanilla, Victorino, and Vice-Chair Hokama.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Medeiros and Chair Mateo.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

VICE-CHAIR HOKAMA: We thank--oh, excuse me, we do have Chief Ribao and Ms. Lutey for Item 4(7), Members.

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**ITEM NO. 4(7): INDEMNIFICATION AUTHORIZATION (BARRY H. SHAPIRO V. MAUI COUNTY POLICE DEPARTMENT, ET AL.; CIVIL NO. CV07-00517 SPK KSC)
(C.C. No. 07-9)**

VICE-CHAIR HOKAMA: Which is an indemnification authorization, Barry H. Shapiro versus County. . .Maui County Police Department, et al., Civil Number CV07-00517 SPK KSC.

. . . This is a proposed resolution, Members, before you indemnifying Thomas Phillips, Gary Yabuta, Melvin W. Lorenzo, Gregg A. Rowe, and Corrine C. Chang in Barry H. Shapiro versus County, Maui County Police Department, et al., Civil Number CV07-00517 SPK KSC.

. . . Corporation Counsel Lutey, any comments, please?

MS. LUTEY: Yes, thank you. This matter is currently in active litigation our trial is scheduled for March 24, 2009. I believe that we could handle this request, which is just for indemnification in open session. However, if questions arise that will require us to go into executive, at that time, I will request it. This lawsuit stems from Plaintiff's arrest on August 8th, 2005, his complaint lists August 7th, but according to documentation I have, it's the 8th. At the time, Mr. Shapiro was operating a motor vehicle while under the influence of an intoxicant. Plaintiff has filed suit against the arresting officer, an assisting officer, their immediate supervisor, the Chief, and Deputy Chiefs of Police. And you can see from the complaint that I provided you, there are a variety of claims against them. On March 12th, 2008, the Police Commission reviewed this case and has approved legal representation for all of the officers named in this lawsuit. I am now requesting that the Council indemnify each of the officers named.

VICE-CHAIR HOKAMA: Thank you, Ms. Lutey. Chief Ribao, any comments for the Committee?

MR. RIBAO: No comments at this time. Thank you.

VICE-CHAIR HOKAMA: Thank you. Members, questions to our resource personnel regarding the item before you? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chairman. I should have asked this same, same question on the last item in regards to the Police Commission. Do they review. . .accidents and suits in regards to police officers?

MS. LUTEY: I can answer that.

VICE-CHAIR HOKAMA: Okay, Ms. Lutey?

MS. LUTEY: Council Chair, thank you. Councilmember Pontanilla, what happens is is if there's any type of complaint made to them, they will interview, I'm sorry, they will

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review the documents and in situations like an indemnification, what will happen is the officer will request a review by the Police Commission for approval—and that's statutory. At that time, the Commission will receive a copy of the complaint and if they request additional information--and I know they did in this case--they will receive a copy of the police report and then review that before making a decision. In terms of accidents, if there's an allegation by a party involved in it that there was some impropriety by the Department, it could then be interviewed, I'm sorry, reviewed by them. But depending what the allegations are it could also be referred to internal affairs. So it really depends on what the issues are.

COUNCILMEMBER PONTANILLA: Thank you. And corrective actions, should they need one, would they make recommendation such as whatever they feel that need to be corrected?

MS. LUTEY: They can do that.

COUNCILMEMBER PONTANILLA: Okay, fine. Thank you.

MS. LUTEY: You're welcome.

VICE-CHAIR HOKAMA: Thank you. Members, further questions regarding the proposed resolution of indemnification before you? With none, the Chair's recommending approval of the proposed resolution...entitled indemnifying Thomas Phillips, Gary Yabuta, Melvin W. Lorenzo, Gregg A. Rowe, and Corrine C. Chang in Barry H. Shapiro versus Maui County Police Department, et al., Civil Number CV07-00517 SPK KSC.

COUNCILMEMBER VICTORINO: So moved.

COUNCILMEMBER BAISA: Second.

VICE-CHAIR HOKAMA: I have a motion made by Mr. Victorino, seconded by Ms. Baisa. Is there any further discussion, Members? With none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

VICE-CHAIR HOKAMA: Opposed say "no". Motion passes--seven "ayes"; two "excused", Mr. Mateo and Mr. Medeiros.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Molina, Pontanilla, Victorino, and Vice-Chair Hokama.

NOES: None.

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ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Medeiros and Chair Mateo.

MOTION CARRIED.

ACTION: Recommending **ADOPTION** of resolution.

VICE-CHAIR HOKAMA: We thank the Chief. . .Ribao and Ms. Lutey for their presence and assistance to the Committee this afternoon.

COUNCILMEMBER VICTORINO: The last one, he going move to . . .*(inaudible)*. . .

VICE-CHAIR HOKAMA: Members, no request for public testimony before the Committee this afternoon. No objections, the Chair shall close testimony for today, 5 August, 2008, Policy Committee.

COUNCIL MEMBERS: No objections.

VICE-CHAIR HOKAMA: So ordered.

. . . Members, we have one final item that we need to take up. It is under POL-50(1), litigation involving the County or the Council. This is a case, Daniel K. Kanahele, et al. versus Maui County Council, et al., Civil Number 08-01-0115(3).

ITEM NO. 50(1): **LITIGATION INVOLVING THE COUNTY OR THE COUNCIL**
(DANIEL K. KANAHELE, ET AL. V. MAUI COUNTY COUNCIL, ET AL.; CIVIL
NO. 08-1-0115(3))

VICE-CHAIR HOKAMA: This afternoon assisting the Committee's requirement, we have Deputy Corporation Counsel, Ms. Johnston. Ms. Johnston are you able to, are you ready to give any comments in open session at this time?

MS. JOHNSTON: Okay, thank you, Chair. I was surprised that I got invited back so soon, but I noticed that--

COUNCILMEMBER VICTORINO: . . .*(laughter)*. . .

MS. JOHNSTON: --*(laughter)*. . . I figured that there's more, more that we need to talk about and apparently Vice-Chair Mateo thought so. So I'm, I'm prepared today to . . .to go into some. . .whatever questions you have and maybe some things we didn't have time to, to go over in our previous meeting.

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VICE-CHAIR HOKAMA: Okay, any. . .knowing that we are in litigation, do you have any questions you wish to. . .present at this time in open session? Okay, if not. . .pursuant to Section 92-5(a)(4) of the Hawaii Revised Statutes, we are allowed to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the Council, the County, and Committee. The Chair is recommending a motion for executive session.

COUNCILMEMBER VICTORINO: So moved.

COUNCILMEMBER PONTANILLA: Second.

VICE-CHAIR HOKAMA: We have a motion made by Mr. Victorino, seconded by Mr. Pontanilla. Members, discussion on the motion for executive session? With none, all in favor of the motion, please say "aye". Opposed say "no". Motion passes with seven "ayes"; two excused, Mr. Mateo and Mr. Medeiros.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Molina, Pontanilla, Victorino, and Vice-Chair Hokama.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Medeiros and Chair Mateo.

MOTION CARRIED.

ACTION: APPROVE; RECESS Open Session and CONVENE Executive Session.

VICE-CHAIR HOKAMA: Policy Committee meeting stands in recess to enter into executive session . . .(gavel). . .

RECESS: 1:55 p.m.

RECONVENE: 2:59 p.m.

VICE-CHAIR HOKAMA: . . .(gavel). . . The Policy Committee meeting of 5 August, 2008, shall return to order. Members, we have just completed executive session on POL-50(1), litigation involving the County or the Council as it requests specifically to the Daniel K. Kanahale, et al. versus Maui County Council, et al., Civil Number 08-1-0115(3). Is there any questions or comments you wish to provide in open

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session at this time, Members? If not, with no objections, it is the Chair's recommendation that the Committee defer this item.

COUNCIL MEMBERS: No objections.


COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: BKM and DAM)

ACTION: DEFER pending further discussion.

VICE-CHAIR HOKAMA: So ordered. Members, we have completed the business of the Committee for today's agenda. With no further business, this Committee meeting of the Policy Committee of the Council of the County of Maui is hereby adjourned ...*(gavel)*...

ADJOURN: 3:00 p.m.

APPROVED:



G. RIKI HOKAMA, Vice-Chair
Policy Committee

pol:min:080508

Transcribed by: Camille Sakamoto