

POLICY COMMITTEE

Council of the County of Maui

MINUTES

June 12, 2007

Council Chamber, 8th Floor

CONVENE: 1:38 p.m.

PRESENT: Councilmember Danny A. Mateo, Chair
Councilmember G. Riki Hokama, Vice-Chair (Out 2:58 p.m.)
Councilmember Michelle Anderson, Member
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael J. Molina, Member
Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

STAFF: Shelly Espeleta, Legislative Analyst
Gayle Revels, Legislative Analyst
Camille Sakamoto, Committee Secretary

Leinaala Kihm, Executive Assistant to Councilmember Bill Kauakea Medeiros
Kelly McGinnis, Executive Assistant to Councilmember Joseph Pontanilla

ADMIN.: Cheryl A. Tipton, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item No. 1(7))
Gary Yabuta, Deputy Chief, Department of Police (Item No. 1(7))
Neal A. Bal, Deputy Chief, Department of Fire and Public Safety (Item No. 1(7))
Brian T. Moto, Corporation Counsel, Department of the Corporation Counsel
(Item No. 4(1))
Laureen Martin, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item No. 4(1))
Adrienne N. Heely, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 4(1))
Vanessa A. Medeiros, Director, Department of Housing and Human Concerns
(Item No. 11)
Robin Tanaka, Administrator, Kaunoa Senior Services Division, Department of
Housing and Human Concerns (Item No. 11)
Edward S. Kushi Jr., Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Steven M. Nakashima, Esq. (Marr Hipp Jones and Wang) (Item No. 1(7))

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

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CHAIR MATEO: . . .(*gavel*). . . Policy Committee meeting for June 12th, 2007 will come to order. The Members present with us this morning [*sic*], the Committee Vice-Chair, Mr. Hokama; Committee Members Anderson, Baisa, Johnson, Medeiros, Molina, Pontanilla, and Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR MATEO: Good afternoon, everyone. Also with us this afternoon, we have in the gallery. . .with us is Corporation Counsel, Ed Kushi Jr. The Committee Staff with us this afternoon, we have both Committee Analysts--Gayle Revels and Shelly Espeleta; and our Committee Secretary, Camille Sakamoto. Members, this afternoon we have four items on our agenda. But before we go into those items, Ms. Sakamoto, has anyone signed up to testify?

MS. SAKAMOTO: No, Mr. Chair.

CHAIR MATEO: Thank you. Members, the Chair would like to just move on. . .with the agenda. So if there are no. . .no objections at this time, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you. The first item on our agenda is Policy Item 1(7).

ITEM NO. 1(7): SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(TRINIDAD K. ALCONCEL, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV05-00280
SPK BMK; and JACK HENRY WILLIAMS, JR., ET AL. V. COUNTY OF MAUI,
CIVIL NO. CV05-00278 DAE LEK) (C.C. No. 07-11)

CHAIR MATEO: Policy 1(7), settlement authorization of claims and lawsuits, Trinidad K. Alconcel, et al. versus County of Maui, Civil Number CV05-00280 and Jack Henry Williams Jr., et al. versus County of Maui, Civil Number CV05-00278. Members, the Committee is in receipt of a proposed resolution authorizing settlement of Trinidad Alconcel, et al. versus County of Maui, Civil Number CV05-00280 and Jack Henry Williams Jr., et al. versus County of Maui, Civil. . .CV05-00278, as well as the copy of each of the complaints. The complaints allege violations of the Fair Labor Standards Act by the Department of Police and the Department of Fire and Public Safety, respectfully. And the purpose of the proposed resolution is to authorize settlement of the case. From the Corporation Counsel, Members, with us this afternoon, Deputy Corporation Counsel Cheryl Tipton; and also with her, we have Special Counsel, Stephen Nakashima with Marr Hipp Jones and Wang. And also present from the Police Department, we have the Deputy Chief of Police, Gary Yabuta; as well as our Deputy Fire Chief, and that is Neal Bal. The Chair would like, at this point, to turn over. . .or

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open. . .have Ms. Tipton take the floor at this point--so you can provide us with general information. Ms. Tipton?

MS. TIPTON: Thank you, Mr. Chair. Council Members, good afternoon. Counsel for the County is recommending a joint settlement of the two cases. There's one figure that would settle each case, so therefore we were, are discussing both cases as one agenda item. Under court rules that we are obligated to follow, all settlement proposals *are* confidential until accepted by each side. Because the proposed settlement terms as well as the strategy may be discussed, I would ask that this matter be considered in executive session.

CHAIR MATEO: Members, you've heard Corporation Counsel. If there are *general* questions that the Members would like to ask at this particular point in time--prior to the request for executive session--the floor is open to the Members.

. . . Ms. Anderson? Good afternoon.

COUNCILMEMBER ANDERSON: Good afternoon, Chair. Thank you. Is. . .does this take care of all the outstanding Fair Labor Standards. . .Act. . .suits the County is faced with?

CHAIR MATEO: Ms. Tipton?

MS. TIPTON: Yes, it would take care of all the suits that are presently before, in the courts.

NOTE: Silence.

MS. TIPTON: . . . We can't--

COUNCILMEMBER ANDERSON: . . .*(laughter)*. . .

MS. TIPTON: You understand that we can't guarantee that there won't ever be any *more--*

COUNCILMEMBER ANDERSON: I understand. But. . .you don't, there's no one breathing down your neck.

MS. TIPTON: No.

COUNCILMEMBER ANDERSON: Okay. Thank you.

CHAIR MATEO: Thank you. Seeing no additional questions. . .Members, the Chair does recommend convening an executive session and will entertain such a motion. Therefore, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. The Chair would appreciate a motion to convene in executive session.

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VICE-CHAIR HOKAMA: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR MATEO: Been moved by Member Hokama, second by Mr. Molina. Any discussion, Members?

. . . Seeing none, Members, all those in favor signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed?

. . . Thank you very much.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending RECESS open session and CONVENE executive session.

CHAIR MATEO: Members, it'll take us just a couple of minutes to secure the Chamber. And until that time, please, Members, stay close by. This Policy Committee meeting will stand in recess . . .(*gavel*). . .

RECESS: 1:42 p.m.

RECONVENE: 2:40 p.m.

CHAIR MATEO: . . .(*gavel*). . . The Policy Committee meeting for June 12th, 2007 will reconvene. Members, any questions or comments?

VICE-CHAIR HOKAMA: . . . Recommendation, Chairman?

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CHAIR MATEO: Mr. Hokama, thank you very much. It is the Chair's recommendation to, for the adoption of the proposed resolution to authorize settlement of the matter under the terms proposed in the executive session meeting.

VICE-CHAIR HOKAMA: So moved.

COUNCILMEMBER VICTORINO: Second.

COUNCILMEMBER MOLINA: Second.

CHAIR MATEO: Been moved by Mr. Hokama, second by Mr. Victorino. Members, any discussion?

. . . Ms. Anderson, go ahead.

NOTE: *Silence.*

COUNCILMEMBER ANDERSON: . . . Yes, Mr. Chair. . .trying to find the name of Mr. Nishikama's *[sic]* . . .*(laughter)*. . . law firm.

CHAIR MATEO: Marr Hipp--

COUNCILMEMBER JOHNSON: . . .*(inaudible)*. . .

CHAIR MATEO: --wait, I'll tell you--

COUNCILMEMBER ANDERSON: Nakashima.

MR. NAKASHIMA: --Jones and Wang.

CHAIR MATEO: Yeah. Marr Hipp Jones and Wang.

COUNCILMEMBER VICTORINO: . . .*(inaudible)*. . .

COUNCILMEMBER ANDERSON: Thank you. I'd like to thank *them*. . .for. . .doing such a good job for us on this. From a 24 million dollar claim. . .or. . .yeah, original claim. . .by the, the Plaintiffs to get it down to this settlement, I think is . . .

COUNCILMEMBER VICTORINO: . . .*(inaudible)*. . .

COUNCILMEMBER ANDERSON: . . . very. . .commendable on their part. And. . .worth all the money we spent. So thank you very much. And thank you, Chair, for. . .bringing this forward.

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CHAIR MATEO: Thank you, Ms. Anderson. I believe we all share the, the sentiments. Thank you very much. Members, additional discussion?

. . . Hearing none, all those in favor signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed? Thank you very much.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

CHAIR MATEO: Ms. Tipton, thank you very much. Mr. Nakashima, thank you very much. Members, the next item on the agenda is Policy 2(5), indemnification authorization, Lothar Kuster versus Michael W. Foley, et al.

COUNCILMEMBER JOHNSON: 4(1).

CHAIR MATEO: Uh--

COUNCILMEMBER JOHNSON: 4(1).

CHAIR MATEO: 4(1). Excuse me . . . *(laughter)* . . .

. . . That was just a test. It's kinda late in the afternoon . . . *(laughter)* . . .

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

CHAIR MATEO: Thank you very much.

. . . Let me just finish that off.

. . . Okay. Civil Number CV 07-0026. . .264.

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**ITEM NO. 4(1): INDEMNIFICATION AUTHORIZATION (LOTHAR KUSTER
V. MICHAEL W. FOLEY, ET AL., CIVIL NO. CV 07-00264 SOM BMK) (C.C. No. 07-9)**

CHAIR MATEO: Members, you have the information in front of you. And as you know, this Committee is in receipt of a proposed resolution. . .entitled: indemnifying Michael W. Foley, Charles Villalon, Ty Fukuroku, and Jay Arakawa in. . .Luther Kuster versus Michael W. Foley, et al., Civil Number CV 07-00264, as well as a copy of the complaint. The Deputy Corporation Counsel with us this afternoon is Ms. Martin. The Chair will allow her the opportunity to provide the overview and comments, as well as to. . .touch on the, the allegations as well. Ms. Martin?

MS. MARTIN: Thank you, Chairman Mateo. On May 18th, 2007, Lothar Kuster filed a lawsuit in Federal Court against current and former County of Maui employees Michael Foley, Charles Villalon, Ty Fukuroka [*sic*], and Jay Arakawa. The lawsuit alleges that Mr. Kuster applied for a permit but never received it. Mr. Kuster alleges that he did not receive the permit because he is not local and because he complained about County employees trespassing on his property. However, there appear to be valid reasons for the delay in issuing the permit. All of the acts alleged in the complaint by. . .against the County employees apparently occurred when they were acting within the course and scope of employment with the County of Maui. Therefore, indemnification is appropriate. Indemnification of the employees should eliminate the need to hire outside counsel. Therefore, request. . .therefore, I request indemnification for Michael Foley, Charles Villalon, Ty Fukuroka [*sic*], and Jay Arakawa. I believe this matter can be handled in open session without the need to go into executive session as long as any questions do not involve strategy.

CHAIR MATEO: Thank you very much. Members, the floor open for questions.

COUNCILMEMBER ANDERSON: . . .(*sigh*). . .

CHAIR MATEO: Ms. Anderson?

COUNCILMEMBER ANDERSON: . . . Well, I guess I'm gonna give it a shot. . .in open session. And you can stop me, Chair. . .or Ms. Martin. Um . . .

. . . You know . . .(*sigh*). . . I've read this complaint and it's very disturbing. I'd like to know, number one, why hasn't this man received his permit.

NOTE: *Silence.*

CHAIR MATEO: . . . Ms. Martin?

MS. MARTIN: Chairman, I believe that should be answered in executive session.

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COUNCILMEMBER ANDERSON: . . . Okay, I'll just keep trying a few questions.

. . . Why was he never afforded a *response* after the March 6th encounter at the Planning Department at which he was refused a permit after he'd been told to come down and pick it up? He then went and spoke with Director Foley, asked him why he wasn't getting the permit. . . I think it had to do with an SMA . . .

. . . exemption request, which he filed.

NOTE: Silence.

COUNCILMEMBER ANDERSON: . . . And. . .he's exempt from the SMA permit because he's single-family home. . .and he's trying to. . .to build a farm dwelling. Now the reason I'm taking an interest in this, Mr. Chairman, is here we have somebody who's actually doing farm on farmland. He's using ag land for its intended purpose. And he's trying to build a farm dwelling, which is . . .

. . . what our Ag zoning allows for. . .to *actually* house farm workers.

. . . And he's been denied that for over a year. So why is it that he's never received a response to his. . .request for information from the Planning Director?

CHAIR MATEO: Ms. Martin?

COUNCILMEMBER ANDERSON: For over a year, no response.

CHAIR MATEO: Ms. Martin?

MS. MARTIN: Thank you, Chairman. I'm not certain that there has been no response at all. I have not investigated that. However, based upon the complaint itself, I think there's some inconsistency there. As you noted, he *did* become aware that there needed to be an additional application submitted for that SMA exemption. So there is some inconsistency with his complaint. I don't know--

COUNCILMEMBER ANDERSON: Well, he filed it. He filed it the next day.

MS. MARTIN: But that was, obviously, part of the, part of the delay that he's complaining about, that he's saying. . .I filed it. . .they told me it was ready to pickup, it wasn't ready to pick up, and I don't know why. . .why there was this delay. And then later in the complaint, he, he acknowledges that they *did* tell him to submit additional documentation. So there seems to be *some* communication from the County. I'm not sure when exactly that might have stopped or if it did stop.

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COUNCILMEMBER ANDERSON: Well, based on him, he's got nothing in writing from the County at all. It's all *telephone* calls.

MS. MARTIN: I, I understand that that's his allegation.

COUNCILMEMBER ANDERSON: And do you have anything in writing that you can show us?

MS. MARTIN: *I* do not have anything in writing. But I do not know if the *Department* does.

COUNCILMEMBER ANDERSON: Then I don't know how you can be here asking us to indemnify these employees unless you can tell us that they acted in good faith.

MS. MARTIN: . . . Because it's clear--even based upon the allegations in the complaint--that they were acting within the course and scope of employment. Even his allegations do not say they were doing any of this for a purpose for their personal benefit. It was all on behalf of the County of Maui. Regardless of--

COUNCILMEMBER ANDERSON: Now wait a minute. On behalf of the County of Maui . . .

. . . because they're a County employee. But does that mean they're following the County Code? Or following the letter of the law? Or following procedures within their Department? I mean, I, I've read this. And you know, unless you can give me something in writing that can refute some of this--show me some written documentation that the County responded to his request and. . .for information.

MS. MARTIN: I. . .I understand your concerns, Councilmember Anderson. *Those* are *his* allegations. And I understand you wanna see our side, see, do we have anything to refute those. But the *standard* at this point, for the indemnification, is just really whether that person was within the course and scope of employment. For example, if somebody was in the course and scope of employment--perhaps they were negligent and they got into an accident--*that's* an example somebody we may indemnify and the County of Maui would be responsible for those damages. If somebody. . .a County employee is in the course and scope of employment, the *County* will be liable. . .based on the respondeat superior. It doesn't matter whether they were not following the Code or somebody's instruction. . .employees make mistakes. Maybe they do a poor job on purpose, that does not relieve the County of our liability. If it's *your* decision or the Council's decision *not* to indemnify these individuals, then the alternative would probably be to hire outside counsel for these individuals.

NOTE: Silence.

COUNCILMEMBER ANDERSON: . . . Um. . .you're saying that the standard is that they are just employees of the County . . .

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MS. MARTIN: Not--

COUNCILMEMBER ANDERSON: . . . and working within the scope of their jobs.

MS. MARTIN: They. . .their, their course and scope of employment, yes.

COUNCILMEMBER ANDERSON: . . .*(sigh)*. . . Well. . .I don't know because. . .in, from what my study on. . .indemnification says that not only have they, do they have to work within the course and scope of their employment, but they also have to act in good faith and without malice. . .in performing those job duties. And . . .

NOTE: *Silence.*

COUNCILMEMBER ANDERSON: . . . You know, Mr. Chair, I'd like to have executive session if possible because I have questions and *comments*. . .that I'd like to make on this that I think would be best made in executive session.

CHAIR MATEO: . . . Members, additional questions for. . .Corporation Counsel?

. . . We have a request for executive. . .executive session. Members, the Chair will take a two-minute recess at this point. Call of the Chair, two minutes . . .*(gavel)*. . .

RECESS: 2:51 p.m.

RECONVENE: 2:53 p.m.

CHAIR MATEO: . . .*(gavel)*. . . Meeting of the Policy Committee for June 12th, 2007 will reconvene. Members, we have a request from Ms. Anderson to go into executive session. The Chair will present that to the Members. As a reminder, we need a two-thirds vote, two-thirds majority to go into executive session. So the Chair will entertain a motion pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of. . .the County, the Council, and the Committee. The Chair will entertain a motion.

COUNCILMEMBER ANDERSON: So moved.

COUNCILMEMBER PONTANILLA: . . . Second.

CHAIR MATEO: Been moved by Ms. Anderson, second by Mr. Pontanilla. Members, discussion? Ms. Anderson--

COUNCILMEMBER ANDERSON: Thank you, Chair.

CHAIR MATEO: --followed by Ms. Johnson.

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COUNCILMEMBER ANDERSON: . . . You know . . .

. . . to be a County employee is a privilege. . . and to specially be one who has discretionary authority over the public. It's not . . .

. . . it's not a *privilege* to be taken lightly. And . . . *(cleared throat)* . . .

. . . *(sigh)* . . .

. . . indemnification. . . and, and mind you these people are being sued individually as well as employees of the County. . . and indemnification means that. . . we're telling the taxpayer you're gonna foot the bill here if anything turns out wrong. . . that we've done something wrong.

. . . And I think that we need a little more facts behind the . . .

. . . the scene here to know exactly what went on. And as a matter of fact, indemnification should not be given freely. We shouldn't be sending a message to our employees go do whatever you want, act *criminally* if you want because we're gonna indemnify you. I don't think that's the proper message that we wanna send. And. . . indemnification should be only given on a case-by-case basis based on the facts, Mr. Chairman. And I don't think we have enough facts here in order to do that today. And that's why I'm requesting executive session.

CHAIR MATEO: Thank you, Ms. Anderson. Members, additional--Ms. Johnson, I'm sorry, go ahead.

COUNCILMEMBER JOHNSON: No, I just wanted clarification from Corporation Counsel. When we discuss this particular measure in executive session. . . are we. . . are we permitted to talk about strategy or other things with regard to the case, or are we confined strictly to the merits. . . of indemnification. . . and. . . things surrounding, you know, the measure that's before us today? I just wanna be clear about that in my own mind.

MS. MARTIN: Chairman, I believe you would be limited to the item as it's been put on the agenda. However, there may be some overlap as to the strategy. Although, I should mention to Council Members, I am *not* the lead Counsel on this matter. And so although I may give some input as to the direction of the case, the attorneys handling it, Jane Lovell and. . . and Madelyn D'Enbeau may differ.

COUNCILMEMBER JOHNSON: . . . Yeah, and, and, Mr. Chair, I just want to make sure that with the posting, you know, the way that this has gone, I wanna make certain . . . *(laughter)* . . . that we're sticking to the particular subject matter. Because I, you know, in other situations. . . we have been cautioned, basically, just confine our comments to things strictly having to do with the agenda item.

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COUNCILMEMBER MOLINA: Recommendation, Chair?

CHAIR MATEO: Thank you, Mr. Molina. The Chair recommends the adoption of the proposed resolution entitled: indemnifying Michael W. Foley, Charles Villalon, Ty Fukuroku, Jay Arakawa in Lothar Kuster versus Michael W. Foley, et al., Civil Number CV07-006. . .264, excuse me. Let me just recorrect that: CV07-00264. Chair will entertain a motion.

COUNCILMEMBER MOLINA: So moved.

COUNCILMEMBER PONTANILLA: Second.

CHAIR MATEO: Been moved by Member Molina, second by Mr. Pontanilla. Discussion, Members?

NOTE: Silence.

CHAIR MATEO: . . . Hearing none, Members, all those in favor signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed?

COUNCILMEMBER ANDERSON: No.

CHAIR MATEO: Thank you. It is one, two, three, four, five, six, seven "ayes", one "no"; one "excused", Mr. Hokama.

VOTE: AYES: Councilmembers Baisa, Johnson, Medeiros, Molina, Pontanilla, Victorino, and Chair Mateo.

NOES: Councilmember Anderson.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

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CHAIR MATEO: Members, thank you very much. We're gonna move on to the next item. The next item is Policy 2(5), nominations to boards, committees, and commissions

ITEM NO. 2(5): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(KULA AGRICULTURAL PARK COMMITTEE) (C.C. No. 07-7)

CHAIR MATEO: This is regarding the Kula Agricultural Park Committee. Members, in your binders, you will note a memo dated March 12th, 2007 from Council Chair Hokama to the Committee Chair regarding the appointment of Councilmember Gladys Baisa to the Kula Agricultural Park Committee. Members, pursuant to Section 22.04A.070, Maui County Code, the Kula Ag Park Committee shall consist of 11 members, one of which shall be a representative from and appointed by the Council for a two-year term. Prior, it was Mayor. . . Mayor Tavares who served in this capacity. And she has since resigned as of February 15th, 2007. Ms. Baisa will. . . who represents the Upcountry District, will replace Mayor Tavares on the. . . on this Committee for a term that'll expire March 31st, 2008. This is the recommendation submitted to us by the Council Chair. And the Chair would like to take the opportunity to ask Ms. Baisa for comments on the. . . on the appointment, recommendation.

COUNCILMEMBER BAISA: Thank you, Chair. I would be very honored to serve in this position. As you know, I'm a life-long resident of Upcountry. And I currently represent the Kula area. I have a great interest in farming. I am from farming stock. I'm a child of and a grandchild of farm workers Upcountry. We're very close to agriculture. And. . . it would be a pleasure and an honor to serve.

CHAIR MATEO: Thank you very much. Members, comments on the. . . the submission of Ms. Baisa's name from Council Chair Hokama to the Committee to consider for the appointment to the Kula Ag Committee?

. . . Seeing none, Members, we need a. . . we need a motion to, the Chair would entertain a motion to appoint Ms. Baisa to the--

COUNCILMEMBER PONTANILLA: So moved.

CHAIR MATEO: --Kula Ag Park.

COUNCILMEMBER VICTORINO: Second.

CHAIR MATEO: Been moved by Mr. Pontanilla, second by Mr. Victorino. Discussion?: Seeing none, Members, all those--I'm sorry, Ms. . . Ms. Anderson? . . . *(laughter)*. . .

COUNCILMEMBER ANDERSON: . . . I'm not gonna let this go.

CHAIR MATEO: . . . *(laughter)*. . .

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COUNCILMEMBER ANDERSON: . . . *(laughter)*. . . But I, I'll try to be brief. I think it's wonderful that. . . Ms. Baisa's willing to serve on this Commission. And . . .

. . . I look forward to working with her on the Water Resource Committee in hopefully finding or at least oging *[sic]* the State to get that second line in so that we can get some more water for our farmers. And . . .

. . . you know . . .

. . . I think we take it for granted--all the beautiful ag land that we have in Maui County. And anything that this board can do to preserve that. . . land in a viable way so that, so that generations beyond us can still be farming and producing. . . nutritional food for the people who live here on. . . on this island and throughout the County . . .

. . . more power to them. And so thank you very much, Ms. Baisa, for taking this on. Much appreciate it. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Anderson. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Yes, I'd just like to add that, you know, I think we're all appreciative of Councilmember Baisa accepting this appointment. And. . . I, I think she'll make a terrific replacement for the. . . former Councilmember Tavares. And I think. . . Member Baisa just adds another hat to her closets of hats that she has to wear in the many capacities that she serves. So I certainly would support this. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional comments?

. . . Hearing none, all those in favor signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed?

. . . Thank you very much.

VOTE: AYES: Councilmembers Anderson, Baisa, Johnson, Medeiros, Molina, Pontanilla, Victorino, and Chair Mateo.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama.

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MOTION CARRIED.

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

CHAIR MATEO: Members, the--congratulations--

COUNCILMEMBER BAISA: Thank you.

COUNCILMEMBER MEDEIROS: . . .*(inaudible)*. . .*(laughter)*. . .

ALL: . . .*(applause)*. . .

CHAIR MATEO: Uh. . .the, please note on our agenda the last item, Policy 11, the update on Kaunoa Senior Center Projects.

ITEM NO. 11: UPDATE ON KAUNOA SENIOR CENTER PROJECTS (C.C. No. 06-311)

CHAIR MATEO: The Chair is going to *defer* this item. And, Members, this has been a long day, we will start to lose our quorum.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: GRH and MJM)

ACTION: DEFERRED--NO DISCUSSION.

CHAIR MATEO: So, it's been a long day. I thank you all very much. This is a rude awakening--the first. . .the first day back after "vacation" . . .*(inaudible)*. . .

COUNCILMEMBER MEDEIROS: . . .*(laughter)*. . .

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

CHAIR MATEO: . . . go through the exercise. But thank you all very much. The meeting of the Policy Committee for--well, let me ask, well, let me do one more thing, and it's the announcements before I close out.

. . . Seeing no announcements, the Chair would like to remind the Members in announce, in the announcement period that prior meetings with the Policy Committee when we referenced the Residential Workforce Housing Policy, the Chair had asked for submissions for. . .initiatives or incentives that Members wants to. . .submit to the Chair for consideration. Please submit them as soon as possible so we're able to put them together. We'd like to bring that item up for discussion soon. So again, Members, no additional announcements?

POLICY COMMITTEE MINUTES
Council of the County of Maui

June 12, 2007

. . . Thank you all very much and have a good evening. This meeting is adjourned
...(gavel)...

ADJOURN: 4:15 p.m.

APPROVED:



DANNY A. MATEO, Chair
Policy Committee

pol:min:070612

Transcribed by: Camille Sakamoto