

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

October 15, 2009

9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/COW

e-mail: cow.committee@mauicounty.us

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VOTING MEMBERS

Michael J. Molina, Chair

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Gladys C. Baisa

Jo Anne Johnson

Sol P. Kaho'ohalahala

Bill Kauakea Medeiros

Wayne K. Nishiki

Joseph Pontanilla

Michael P. Victorino

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Kirstin Hamman or Camille Sakamoto) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-1(20)

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KAMAOLE
POINTE DEVELOPMENT LP, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL
NO. 07-00447 DAE LEK)**

DESCRIPTION:

The Committee is in receipt of correspondence dated October 2, 2009, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KAMAOLE POINTE DEVELOPMENT LP, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-00447 DAE LEK" and a copy of the complaint. The complaint alleges that Ordinance No. 3418 (2006), establishing a Residential Workforce Housing Policy, is unconstitutional facially and as applied. The purpose of the proposed resolution is to authorize settlement of the case.

STATUS:

The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may consider other related action.

NOTE:

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

MORE →

COW-1(21) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: DEPARTMENT OF HEALTH, STATE OF HAWAII VS. COUNTY OF MAUI; DOCKET NOS. 06-CW-EO-08, 06-CW-EO-15, AND 06-CW-EO-16))

DESCRIPTION: The Committee is in receipt of correspondence dated October 7, 2009, from the Department of the Corporation Counsel, transmitting a copy of proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE MOLOKAI, LANAI, AND HANA LANDFILLS". The purpose of the proposed bill is to authorize the Mayor to enter into a governmental agreement with the Department of Health for the settlement of alleged violations of environmental laws at the Molokai, Lanai, and Hana landfills. The proposed settlement agreement would accept a \$62,000 penalty, which may be used to fund a Supplemental Environmental Project.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may consider other related action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

COW-1(16) LITIGATION MATTERS (STATUS: EPA NOTICE OF VIOLATION FOR THE CENTRAL MAUI LANDFILL; DOCKET NO. R9-07-05))

DESCRIPTION: The Committee is in receipt of correspondence dated September 15, 2009, from the Department of the Corporation Counsel, requesting an opportunity to discuss the status of the Finding and Notice of Violation issued by the United States Environmental Protection Agency (EPA) on June 5, 2007, for the Central Maui Landfill.

STATUS: The Committee may receive a status report from the Department of Corporation Counsel and the Department of Environmental Management.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.