

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**Meeting Agenda**

**March 4, 2010**

**9:00 a.m.**

**Council Chamber, 8<sup>th</sup> Floor**  
**200 South High Street, Wailuku, Hawaii**

**website: [www.mauicounty.gov/committees/COW](http://www.mauicounty.gov/committees/COW)**

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COUNCIL CHAMBER

**VOTING MEMBERS**

**Michael J. Molina, Chair**

**Danny A. Mateo, Vice-Chair**

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**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-2(10) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated January 29, 2010 (received January 29, 2010), from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions:

1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days (for terms expiring on March 31, 2015, unless otherwise indicated):

**A. AFFIRMATIVE ACTION ADVISORY COUNCIL**

1. Karleen Hultquist (Reappointment).

B. ANIMAL CONTROL BOARD

1. Rosanna Cabatic, for a term expiring on March 31, 2013;
2. Laurie Herrell, for a term expiring on March 31, 2013; and
3. Judith Naone, for a term expiring on March 31, 2013.

C. BOARD OF CODE APPEALS

1. Gary Marshall.

D. BOARD OF ETHICS

1. Frank Moe; and
2. Michael Westfall (Reappointment).

E. BOARD OF VARIANCES AND APPEALS

1. Bart Santiago Jr.; and
2. Rick Tanner.

F. CIVIL SERVICE COMMISSION

1. David Hunkins (Reappointment).

G. COMMISSION ON CHILDREN AND YOUTH

1. Karen Isenberg; and
2. Greg Kaufman.

H. COMMISSION ON CULTURE AND THE ARTS

1. Clare Apana; and
2. Phillip Gagle.

I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Sonia Isotov; and
2. Brenda Del Rosario.

J. COST OF GOVERNMENT COMMISSION

1. Harold Davis, for a term expiring on March 31, 2012;
2. Robert Hill (Reappointment), for a term expiring on March 31, 2012;
3. Ivan Lay (Reappointment), for a term expiring on March 31, 2012; and
4. Jody Yoshida, for a term expiring on March 31, 2012.

K. COUNCIL ON AGING

1. Anthony Fisher; and
2. Rhonda Fosbinder (Reappointment).

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Gwen Hiraga; and
2. Ryan Joslin.

M. LANAI PLANNING COMMISSION

1. Shelley Barfield; and
2. John Ornellas.

N. LIQUOR CONTROL ADJUDICATION BOARD

1. Marilyn Chapman; and
2. Ron McOmber.

O. LIQUOR CONTROL COMMISSION

1. Lee Ohigashi; and
2. Monica Revells.

P. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Joseph Crugnale; and
2. Elsie Santos (Reappointment).

Q. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Jacey Laborte; and
2. Bruce U'u.

R. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Lehua Kalua (Reappointment); and
2. Richard Nishihara.

S. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE

1. Fern Duvall II (Reappointment); and
2. Joseph Ritter (Reappointment).

T. MAUI PLANNING COMMISSION

1. Joaquin "Jack" Freitas; and
2. Robert Pure.

U. MOLOKAI PLANNING COMMISSION

1. Nathaniel Bacon (Reappointment).

V. POLICE COMMISSION

1. Roger Dixon; and
2. Gregg Lundberg.

W. REAL PROPERTY TAX REVIEW BOARD

1. Patrice Matsumoto (Reappointment).

## X. SALARY COMMISSION

1. Maureen Ross; and
  2. Agnes Terao-Guiala (Reappointment).
2. Nominees to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation (for terms expiring on March 15, 2015, unless otherwise indicated):

## A. KULA AGRICULTURAL PARK COMMITTEE

1. C. Vance Christensen; and
2. Ricky Kametani.

## B. MAUI REDEVELOPMENT AGENCY

1. Robert Horcajo (Reappointment).

## C. URBAN DESIGN REVIEW BOARD

1. Marie Kimmey (Alternate);
2. Jane Marshall;
3. Bryan Maxwell; and
4. Michael Silva.

**STATUS:** The Council must approve or disapprove the nominations that have a deadline by March 30, 2010, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**COW-2(11) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**

**DESCRIPTION:** The Committee is in receipt of the following:

- a. Correspondence dated February 19, 2010, from Michael J. Molina, Chair, Committee of the Whole, informing that the Council has until March 31, 2010 to nominate and approve individuals to fill vacancies on the following commissions and committees:
  1. Cost of Government Commission (one vacancy)
  2. Hana Advisory Committee (two vacancies)
  3. Maui County Cultural Resources Commission (one vacancy)
  4. Subdivision Engineering Standards Committee (one vacancy)
- b. Correspondence dated February 25, 2010 (received February 25, 2010), from the Mayor, requesting consideration of the following:
  1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days for terms expiring as indicated:
    - A. COMMISSION ON CHILDREN AND YOUTH
      1. Janet Bermejo Barrera (replacing Rafael Boritzer), for a term expiring on March 31, 2011.

B. COST OF GOVERNMENT COMMISSION

- 1. Norma Barton, for a term expiring on March 31, 2012.

C. HANA ADVISORY COMMITTEE

- 1. Edward Cashman, for a term expiring on March 31, 2015.
- 2. Nominee to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation:

A. URBAN DESIGN REVIEW BOARD

- 1. Linda Jean Berry for a term expiring on March 31, 2014.

**STATUS:** The Council must approve or disapprove the Mayor’s nominations that have a deadline by April 26, 2010, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**COW-1(27) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: JAMES R. DAVIS V. COUNTY OF MAUI, ET AL.; CIVIL NO. CV 10-00070 KSC)**

**DESCRIPTION:** The Committee is in receipt of the following:

- 1. Correspondence dated February 19, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution indemnifying Charmaine Tavares and Jeffrey K. Eng in James R. Davis v. County of Maui, et al., Civil No. CV 10-00070 KSC, and transmitting a copy of the complaint. The complaint alleges violations of the Plaintiff’s constitutional rights through the implementation of the water meter regulatory scheme for the Upcountry water system resulting in the Plaintiff’s inability to obtain water meters for his real property in Kula, Maui.
- 2. Correspondence dated February 24, 2010, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “INDEMNIFYING CHARMAINE TAVARES AND JEFFREY K. ENG IN JAMES R. DAVIS V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 10-00070 KSC”. The purpose of the proposed resolution is to indemnify Charmaine Tavares and Jeffrey K. Eng in the case.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without revisions. The Committee may also 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.