

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

June 3, 2010
9:00 a.m.

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

website: www.mauicounty.gov/committees/COW

MAUI COUNTY
COUNCIL CHAMBER
JUN 03 2010
MAY 20 AM 8:10

VOTING MEMBERS

Michael J. Molina, Chair

Danny A. Mateo, Vice-Chair

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(26) LITIGATION MATTERS (SPECIAL COUNSEL ADDITIONAL COMPENSATION: WATER AND WASTEWATER UTILITY SERVICE ON MOLOKAI (BRONSTER HOSHIBATA))

DESCRIPTION: The Committee is in receipt of correspondence dated March 22, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL BRONSTER HOSHIBATA, A LAW CORPORATION, WITH RESPECT TO LEGAL CLAIMS RELATING TO WATER AND WASTEWATER UTILITY SERVICE ON MOLOKAI". The purpose of the proposed resolution is to authorize \$200,000 in additional compensation for Bronster Hoshibata, A Law Corporation, as special counsel in the case for a total compensation of \$500,000.

STATUS: The Committee may consider whether to recommend adoption of the 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.

COW-1(22) LITIGATION MATTERS (SPECIAL COUNSEL ADDITIONAL COMPENSATION: MATTERS RELATING TO AUCTION RATE SECURITIES (GOODSILL ANDERSON QUINN & STIFEL))

DESCRIPTION: The Committee is in receipt of correspondence dated April 22, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL GOODSILL ANDERSON QUINN & STIFEL, A LIMITED LIABILITY LAW PARTNERSHIP LLP, IN MATTERS RELATING TO AUCTION RATE SECURITIES" and transmitting a copy of the Financial Industry Regulatory Authority claim and the Federal-court complaint. The purpose of the proposed resolution is to authorize \$252,350 in additional compensation for Goodsill Anderson Quinn & Stifel, a Limited Liability Law Partnership LLP, as special counsel in the case for a total compensation of \$287,350.

STATUS: The Committee may consider whether to recommend adoption of the 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.

COW-10(3) PROPOSED CHARTER AMENDMENTS (AFFORDABLE HOUSING FUND)

DESCRIPTION: The Committee is in receipt of correspondence dated February 10, 2010, from the Chair of the Committee of the Whole, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, PERTAINING TO THE AFFORDABLE HOUSING FUND". The purpose of the proposed resolution is to place on the 2010 general-election ballot the question of whether the Charter should be amended to extend the term of the Affordable Housing Fund, redefine its applicability, and expand its utilization in order to create jobs and stimulate the economy.

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

COW-2(19) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COST OF GOVERNMENT COMMISSION; KULA AGRICULTURAL PARK COMMITTEE)

DESCRIPTION: The Committee is in receipt of correspondence dated April 28, 2010 (received April 28, 2010), from the Mayor, requesting consideration of the following:

1. Nominee to boards, committees, and commissions, requiring Council approval or disapproval within 60 days:
 - A. COST OF GOVERNMENT COMMISSION
 1. Frank De Rego, Jr. (replacing Robert G. Hill III), for a term expiring on March 31, 2012.
2. Nominee to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation:
 - A. KULA AGRICULTURAL PARK COMMITTEE
 1. Bryce K. Thayer (replacing C. Vance Christensen), for a term expiring on March 31, 2015.

STATUS: The Council must approve or disapprove the nomination to the Cost of Government Commission by June 27, 2010, or the nomination 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(18) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LANAI PLANNING COMMISSION; MAUI COUNTY CULTURAL RESOURCES COMMISSION)

DESCRIPTION: The Committee is in receipt of correspondence dated April 23, 2010 (received April 23, 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. LANAI PLANNING COMMISSION
 1. Lisa Marie Kaniho (replacing Beverly Zigmond), for a term expiring on March 31, 2011.
 - B. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 1. Brandis Louise Sarich(replacing Kepa Maly) for a term expiring on March 31, 2013.

STATUS: The Council must approve or disapprove the nominations by June 22, 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-10(2) PROPOSED CHARTER AMENDMENTS (HANA PLANNING COMMISSION)

DESCRIPTION: The Committee is in receipt of correspondence dated September 10, 2009, from Councilmember Bill Kauakea Medeiros, transmitting the following:

1. A proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A HANA PLANNING COMMISSION". The purpose of the proposed resolution is to place on the 2010 general-election ballot the question of whether the Charter should be revised to establish a Hana Planning Commission.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, AND REPEALING SECTIONS 2.28.060 AND 2.40.130, MAUI COUNTY CODE, TO ABOLISH THE HANA ADVISORY COMMITTEE AND TO ESTABLISH A HANA PLANNING COMMISSION". The purpose of the proposed bill is to abolish the Hana Advisory Committee and establish a Hana Planning Commission.

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

COW-3(6) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (PROPOSED OPERATING BUDGET AND SLATE OF OFFICERS FOR FISCAL YEAR (FY) 2011)

DESCRIPTION: The Committee is in receipt of correspondence dated April 7, 2010, from Councilmember Joseph Pontanilla transmitting correspondence dated March 30, 2010, from Derek S. K. Kawakami, HSAC President, requesting consideration of the HSAC proposed operating budget and proposed slate of officers for FY 2011.

STATUS: The Committee may consider whether to recommend approval of the HSAC proposed operating budget and proposed slate of officers for FY 2011. The Committee may also consider other related action.

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