

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

October 14, 2010

9:00 a.m.

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

website: www.mauicounty.gov/committees/COW

OFFICE OF THE
COUNTY CLERK

2010 OCT -7 AM 8:10

RECEIVED

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.

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COW-1(34)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: SHERI GAIL DURHAM, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. CV08-00342 JMS LEK)

DESCRIPTION:

The Committee is in receipt of correspondence dated September 16, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF SHERI GAIL DURHAM, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV08-00342 JMS LEK" and transmitting a copy of the complaint. The complaint alleges the wrongful death of Mark Allen Durham and injuries to his two daughters resulting from a vehicle collision that occurred on July 26, 2006, at the intersection of Pulehu Road and Hansen Road, Kahului, Maui, Hawaii. 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 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 (HRS), 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; and pursuant to Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

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COW-42 RESIDENTIAL DISTRICTS AND ACCESSORY DWELLINGS**DESCRIPTION:**

The Committee is in receipt of the following:

1. County Communication No. 09-82, from Michael J. Molina, Council Vice-Chair, transmitting the following:
 - a. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS". The purpose of the draft bill is to permit affordable accessory dwelling units on lots of 6,000 square feet or more in residential districts.
 - b. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS". The purposes of the draft bill are to: (1) permit affordable accessory dwelling units on lots of 6,000-7,499 square feet; (2) increase the maximum gross square footage of accessory dwelling units; and (3) require that accessory dwelling units built on lots of 6,000-7,499 square feet remain affordable.
2. Correspondence dated February 9, 2010, from the Council Chair, transmitting correspondence dated February 8, 2010, from the Planning Director, transmitting comments on the draft bill from the Lanai, Maui, and Molokai Planning Commissions and the Hana Advisory Committee, in response to Resolution No. 09-60, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS AND THE HANA ADVISORY COMMITTEE DRAFT BILLS AMENDING CHAPTER 19.08 AND 19.35, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS AND ACCESSORY DWELLINGS, RESPECTIVELY", adopted on July 7, 2009.

STATUS:

The Committee may consider whether to recommend passage of the draft bills on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 09-82 and other related action.

COW-1(35) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MOLOKAI VETERANS CARING FOR VETERANS, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. CV10-00538 JMS LEK)**DESCRIPTION:**

The Committee is in receipt of correspondence dated October 6, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING CHARMAINE TAVARES, ROY SILVA, MAHINA MARTIN, JEFFREY K. ENG, AND CLAYTON YOSHIDA IN MOLOKAI VETERANS CARING FOR VETERANS, ET AL. V. COUNTY OF MAUI, ET AL., CV 10-00538 JMS LEK" and transmitting a copy of the complaint. The complaint alleges constitutional and civil rights violations and supplemental State-law claims arising out of permitting issues pertaining to a proposed veterans' center on Molokai. The purpose of the proposed resolution is to indemnify Mayor Charmaine Tavares; Roy Silva, Executive Assistant to the Mayor; Mahina Martin, County Community Relations and Communications Director; Jeffrey K. Eng, Director of the Department of Water Supply, and Clayton Yoshida, Administrator, Planning Department, in this case.

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-4(2) MAUI COUNTY LEGISLATIVE PACKAGE (2011 MAUI COUNTY LEGISLATIVE PACKAGE)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 30, 2010, from Michael J. Molina, Chair, Committee of the Whole, requesting that proposals for inclusion in the 2011 Maui County Legislative Package be submitted.
2. Correspondence dated July 21, 2010, from Councilmember Gladys C. Baisa, transmitting a draft State bill entitled "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS", and a corresponding justification sheet, to require that candidates for elective County office include with their nomination papers a sworn certification of compliance with any relevant provision of the County charter or ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the County Clerk.
3. Correspondence dated July 21, 2010, from Councilmember Jo Anne Johnson, transmitting a draft State bill entitled "A BILL FOR AN ACT RELATING TO TAXATION", and a corresponding justification sheet, to establish a tax credit for the rehabilitation of historic structures.
4. Correspondence dated July 22, 2010, from Councilmember Bill Kauakea Medeiros, transmitting a draft State bill entitled "A BILL FOR AN ACT RELATING TO TARO SECURITY", and a corresponding justification sheet, to prohibit the development, testing, propagation, release, importation, planting, or growing of genetically modified taro.
5. Correspondence dated July 23, 2010, from Councilmember Bill Kauakea Medeiros, transmitting a draft State bill entitled "A BILL FOR AN ACT RELATING TO AQUARIUM AQUATIC LIFE", and a corresponding justification sheet, to improve the regulation of aquarium aquatic life collecting to protect aquatic life and the marine environment.

STATUS: The Committee may consider whether to recommend approval, with or without revisions, of the above-listed proposals for inclusion in the 2011 Maui County Legislative Package. The Committee may also consider other related action.