

POLICY COMMITTEE
Council of the County of Maui

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Meeting Agenda

OFFICE OF THE
COUNTY CLERK

February 16, 2011

9:00 a.m.

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

website: <http://www.mauicounty.gov/committees/POL>

VOTING MEMBERS

G. Riki Hokama, Chair

Robert Carroll, Vice-Chair

Gladys C. Baisa

Elle Cochran

Donald G. Couch, Jr.

Danny A. Mateo

Joseph Pontanilla

Michael P. Victorino

Mike White

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 (Carla Nakata or Tammy Frias) 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. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be suspended pursuant to the Rules of the Council, provided a suspension would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting, 16 copies are requested.

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.

POL-14

CONFIRMATION OF CORPORATION COUNSEL

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 11-1, from the Council Chair, relating to the confirmation of the Mayor's appointment of the Corporation Counsel.
2. Correspondence dated January 11, 2011, from the Council Chair, transmitting the Mayor's correspondence, dated January 4, 2011, notifying of his appointment of Patrick K. Wong as the Corporation Counsel, and a proposed resolution entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL". The purpose of the proposed resolution is to approve the Mayor's appointment of Patrick K. Wong as the Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter").

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3. Correspondence dated January 18, 2011, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "DISAPPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL". The purpose of the proposed resolution is to disapprove the Mayor's appointment of Patrick K. Wong as the Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Charter.

STATUS: The Council must approve or disapprove the appointment by March 4, 2011, or the appointment will be deemed approved. The Committee may consider whether to recommend adoption of either proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication No. 11-1 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

POL-1(3) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LOTHAR KUSTER V. COUNTY OF MAUI, ET AL.; CASE NO. 08-16552)

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LOTHAR KUSTER V. COUNTY OF MAUI, ET AL.; CASE NO. 08-16552" and transmitting a copy of the trial court decision. The underlying complaint alleged general and special damages as the result of delay in obtaining permits for a building project on Mr. Kuster's property. The purpose of the proposed resolution is to authorize settlement of the case, which is on appeal with the United States Court of Appeals for the Ninth Circuit.

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.

POL-1(2) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MICHAEL MAGLIATO, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF KEONE ANTHONY MAGLIATO V. FORREST TANIGUCHI, ET AL.; CIVIL NO. 09-1-0043(3))

DESCRIPTION: The Committee is in receipt of correspondence dated January 24, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MICHAEL MAGLIATO, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF KEONE ANTHONY MAGLIATO VS. FORREST TANIGUCHI, ET AL., CIVIL NO. 09-1-0043(3)" and transmitting a copy of the First Amended Complaint. The complaint alleges damages for the death of Keone Anthony Magliato as a result of a collision between a vehicle driven by Forrest Taniguchi and the motorcycle driven by Keone Anthony Magliato at the intersection of Kauhikoalani Place and Kauhikoa Road in Haiku, Maui, Hawaii, on October 27, 2008. 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, 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.