

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

Wednesday, March 2, 2011
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

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

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COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-2(3) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (CHARTER COMMISSION)

DESCRIPTION:

The Committee is in receipt of the following:

1. Correspondence dated January 26, 2011, from the Mayor, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COMMISSION MEMBERS TO THE CHARTER COMMISSION". The purpose of the proposed resolution is to approve the following nominees for the Charter Commission, pursuant to Section 14-3 of the Revised Charter of the County of Maui (1983), as amended, and Section 50-3 of the Hawaii Revised Statutes ("HRS"): Linda Kay Okamoto; Stephanie Stacy Crivello; Artemio Baxa; David DeLeon; Wayne Hedani; Yuki Lei Sugimura; Flo Wiger; Clifford Hashimoto; Frank De Rego, Jr.; Susan Moikeha; and Joshua Stone.

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2. Correspondence dated February 23, 2011, from the Department of the Corporation Counsel, transmitting a draft resolution entitled "APPOINTMENT OF MEMBERS OF THE CHARTER COMMISSION". The purpose of the draft resolution is to approve or disapprove the Mayor's nominees identified above.

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

POL-1(5) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TRACY MOTELEWSKI V. MAUI POLICE DEPARTMENT, ET AL.; CIVIL NO. 10-1-0162(3))

DESCRIPTION: The Committee is in receipt of correspondence dated February 15, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TRACY MOTELEWSKI VS. MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 10-1-0162(3)" and transmitting a copy of the complaint. The complaint alleges that Ms. Motelewski was unlawfully arrested and suffered severe emotional distress, economic losses, and loss of enjoyment of life as a result of her arrest on August 17, 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), 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 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.

POL-1(40) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LEIS FAMILY LIMITED PARTNERSHIP V. INSITUFORM TECHNOLOGIES, INC., ET AL.; CIVIL NO. 09-1-0356(3))

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated November 29, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Leis Family Limited Partnership v. Insituform Technologies, Inc. and County of Maui, Civil No. 09-1-0356(3), and transmitting a copy of the complaint. The complaint alleges general and special damages as the result of a sewage spill of untreated wastewater on November 13, 2008, affecting property located at 2121 Iliili Road, Kihei, Hawaii, known as Lihi Kai Cottages.
2. Correspondence dated February 22, 2011, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF LEIS FAMILY LIMITED PARTNERSHIP V. INSITUFORM TECHNOLOGIES, INC. AND COUNTY OF MAUI, CIVIL NO. 09-1-0356(3)". The revised proposed resolution incorporates nonsubstantive revisions.

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