

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

Tuesday, March 22, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(6)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION:

The Committee is in receipt of the following:

1. Correspondence dated March 2, 2011 (received March 2, 2011), from the Mayor, transmitting a draft resolution to approve nominees to fill vacancies that will occur on March 31, 2011, on various boards, committees, and commissions.
2. Correspondence dated March 15, 2011, from Committee Chair G. Riki Hokama, transmitting a draft resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI". The purpose of the draft resolution is to nominate and approve the appointment of the following

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persons, whose names were submitted by the Mayor, as members to various boards, committees, and commissions (for terms expiring on March 31, 2016, unless otherwise indicated):

A. AFFIRMATIVE ACTION ADVISORY COUNCIL

1. Lilah Inaba.

B. BOARD OF CODE APPEALS

1. Thomas Behnke; and
2. Brandon Starr.

C. BOARD OF ETHICS

1. Sydney Kikuchi.

D. BOARD OF VARIANCES AND APPEALS

1. Jacqueline Haraguchi; and
2. Patrick De Ponte.

E. BOARD OF WATER SUPPLY

1. William Kamai.

F. CIVIL SERVICE COMMISSION

1. Arnold Wunder (Reappointment).

G. COMMISSION ON CHILDREN AND YOUTH

1. Lei Fagan; and
2. Kalimaya Herrera.

H. COMMISSION ON CULTURE AND THE ARTS

1. Gaylord Kubota;
2. Caroline Belsom; and
3. Henry Allen.

I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. June Davis; and
2. Chad Beitler.

J. COST OF GOVERNMENT COMMISSION

1. Joseph Kanahuna, for a term expiring on March 31, 2013;
2. Fred Rohlfing, for a term expiring on March 31, 2013;
3. Walter Baloaloo, for a term expiring on March 31, 2013; and
4. Gregory Evans, for a term expiring on March 31, 2013.

K. COUNCIL ON AGING

1. Candice Carter (Reappointment);
2. James Jackson;
3. Iris Peelua; and
4. Robert Santry.

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Allen Souza; and
2. William Soares.

M. HANA ADVISORY COMMITTEE

1. John Blumer-Buell; and
2. Anjoleen Hoopai-Waikoloa.

N. LANAI PLANNING COMMISSION

1. Roberto Hera.

O. LIQUOR CONTROL ADJUDICATION BOARD

1. Edward Zwick.

P. LIQUOR CONTROL COMMISSION

1. Zachary Paz; and
2. Frank Sylva.

Q. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Irene Kaahanui.

R. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Yarrow Flower; and
2. Kathryn Ghean.

S. MAUI PLANNING COMMISSION

1. Ivan Lay; and
2. John "Keone" Ball.

T. MOLOKAI PLANNING COMMISSION

1. Zhantell Dudoit.

U. POLICE COMMISSION

1. Pancho Alcon; and
2. Kelly Ruidas.

V. REAL PROPERTY TAX REVIEW BOARD

1. Bernice Lu.

W. SALARY COMMISSION

1. Maxwell Tsai (replacing Jeremiah Savage), for a term expiring on March 31, 2013;
2. May Fujiwara; and
3. Ralph Masuda

STATUS: The Council has until April 26, 2011, to nominate and approve the appointment of a person to fill the vacancy on the Salary Commission created by the resignation of Jeremiah Savage. For all other vacancies, the Council has until March 31, 2011, to nominate and approve the appointment of persons to fill any or all of these vacancies, or the responsibility to nominate persons to fill these vacancies will revert to the Mayor. The Committee may consider whether to recommend adoption of the draft resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", with or without revisions. The Committee may also consider the filing of the correspondence from the Mayor, the filing of the correspondence from the Committee Chair, 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(4) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MOLOKAI VETERANS CARING FOR VETERANS, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. CV 10-00538 LEK)

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 MOLOKAI VETERANS CARING FOR VETERANS, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 10-00538 LEK" and transmitting a copy of the Amended Complaint. The complaint alleges damages resulting from plaintiffs' inability to obtain a building permit for a proposed veterans' center in Kaunakakai, Molokai, 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, 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(9) LITIGATION MATTERS (STATUS: RICHARD CERTO, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-1-0438(1))

DESCRIPTION: The Committee is in receipt of correspondence dated March 10, 2011, from the Department of the Corporation Counsel, requesting the opportunity to discuss the status of this case and transmitting a copy of the First Amended Complaint. The complaint alleges that the County failed to pay Mr. Certo, and other similarly situated persons, interest or actual earnings realized on the overpayment of real property taxes.

STATUS: The Committee may receive a status report on the matter. The Committee may consider the filing of the correspondence and 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(6) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF ROBERT NAKASATO; CLAIM NO. 2009-008)

DESCRIPTION: The Committee is in receipt of correspondence dated February 14, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 2009-008 OF ROBERT NAKASATO” and transmitting a copy of the claim. The claim alleges damages caused by a blocked sewer pipe, resulting in raw wastewater backing up and flooding portions of a residence at 172 Lehua Street, Kahului, Maui, Hawaii on January 26, 2009. The purpose of the proposed resolution is to authorize settlement of the claim.

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.