

POLICY COMMITTEE
Council of the County of Maui

Meeting Agenda

Friday, April 15, 2011
1:30 p.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

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

OFFICE OF THE
COUNTY CLERK

2011 APR - 7 AM 10:30

RECEIVED

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(4) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI REDEVELOPMENT AGENCY)**

DESCRIPTION: The Committee is in receipt of correspondence dated April 1, 2011 (received April 5, 2011), from the Mayor, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Mark Walker to the Maui Redevelopment Agency, for a term expiring on March 31, 2015, to fill an existing vacancy due to the resignation of Robert Horcajo.

STATUS: There is no time limitation for Council approval or disapproval of the nomination. 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-2(8) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated April 1, 2011 (received April 5, 2011), from the Mayor, transmitting a draft resolution entitled “APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI”, along with completed application forms for the nominees. The purpose of the draft resolution is to approve or disapprove the appointment of the Mayor’s following nominees to various boards, committees, and commissions (for terms expiring on March 31, 2016, unless otherwise indicated):

- A. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Yolanda Mau;
 - 2. Charlotte Smith; and
 - 3. Ramoda Anand (replacing Tracy Souza), for a term expiring on March 31, 2014.

- B. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 - 1. James Spence; and
 - 2. Lee Aldridge.

STATUS: The Council must approve or disapprove the nominations by June 4, 2011, or the nominations will be deemed approved. 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-2(9) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (URBAN DESIGN REVIEW BOARD)

DESCRIPTION: The Committee is in receipt of correspondence dated April 1, 2011 (received April 5, 2011), from the Mayor, transmitting a draft resolution entitled “APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI”, along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Robert Bowlus to the Urban Design Review Board, for a term expiring on March 31, 2012, to fill an existing vacancy due to the resignation of Gary Brauner.

STATUS: There is no time limitation for Council approval or disapproval of the nomination. 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-2(10) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated April 4, 2011 (received April 5, 2011), from the Mayor, transmitting a draft resolution entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the draft resolution is to approve or disapprove the appointment of the Mayor's following nominees to various boards, committees, and commissions (for terms expiring on March 31, 2016, unless otherwise indicated):

A. BOARD OF CODE APPEALS

1. Thomas Godfrey (replacing Gary Marshall), for a term expiring on March 31, 2015.

B. BOARD OF ETHICS

1. Gene Viglione.

C. BOARD OF WATER SUPPLY

1. James Rust.

D. COMMISSION ON CULTURE AND THE ARTS

1. Evalina "Nani" Watanabe.

E. LIQUOR CONTROL ADJUDICATION BOARD

1. Dana Souza.

F. MOLOKAI PLANNING COMMISSION

1. Oliver DeGray Vanderbilt (replacing Napua Leong), for a term expiring on March 31, 2014.

STATUS: The Council must approve or disapprove the nominations by June 4, 2011, or the nominations will be deemed approved. 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(7) LITIGATION MATTERS (SPECIAL COUNSEL ADDITIONAL COMPENSATION: THE COUNTY OF MAUI V. MERRILL LYNCH, PIERCE, FENNER, & SMITH INCORPORATED, FINANCIAL INDUSTRY REGULATORY AUTHORITY DISPUTE RESOLUTION ARBITRATION NO. 10-00687; AND COUNTY OF MAUI V. MERRILL LYNCH PIERCE FENNER & SMITH INCORPORATED, ET AL., UNITED STATES DISTRICT COURT CIVIL NO. CV10-00077 LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated April 6, 2011, 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". The purpose of the proposed resolution is to authorize \$150,000 in additional compensation for Goodsill Anderson Quinn & Stifel, a Limited Liability Law Partnership LLP, as special counsel in these matters, for a total compensation of \$437,350.

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.

POL-1(8) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHERYL CABEBE, ET AL. V. NEW SAND HILLS, LLC, ET AL.; CIVIL NO. 09-1-0245(1); KAREN GOO, ET AL. V. MAYOR CHARMAINE TAVARES, ET AL.; APPEAL OF CIVIL NO. 07-1-0258(1), PENDING BEFORE THE INTERMEDIATE COURT OF APPEALS AS NO. 30142)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated April 6, 2011, from the Department of the Corporation Counsel, requesting consideration of a draft resolution entitled "AUTHORIZING SETTLEMENT OF CHERYL CABEBE AND JOSEPH CABEBE, ET. AL. VS. NEW SAND HILLS, LLC, ET AL., CIVIL NO. 09-1-0245(2); AND, KAREN GOO, ET. AL., VS. MAYOR CHARMAINE TAVARES, ET. AL., ICA NO. 30142". The purpose of the draft resolution is to authorize settlement of the cases.
2. Correspondence dated March 9, 2011, from the Department of the Corporation Counsel, transmitting a copy of the complaint in the Cabebe case and the Appellants' Opening Brief in the Goo case. The cases relate to height restrictions applicable to the Wailuku-Kahului Project District I (Maui Lani).

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.

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(10) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: STACEY POUNDER V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-1-0202 (1))

DESCRIPTION: The Committee is in receipt of correspondence dated April 4, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF STACEY POUNDER v. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0202(1)" and transmitting a copy of the Amended Complaint. The complaint alleges that on September 12, 2008, Ms. Pounder suffered injuries as a result of the County's failure to maintain, in a reasonably safe manner, a metal-plate-covered concrete water meter junction box, located at the Eddie Tam Memorial Center, Makawao, Maui, Hawaii. The purpose of the proposed resolution is to authorize settlement of the case. The Council previously authorized settlement of the case by Resolution No. 10-76.

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 April 4, 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 County's negligent failure to warn of roadway hazards relating to a motor-vehicle accident 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. The Council previously authorized settlement of the case by Resolution No. 11-33.

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.