

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

Wednesday, June 15, 2011

9:00 a.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Hawaii

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

OFFICE OF THE
COUNTY CLERK

2011 JUN -9 AM 7:59

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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FINANCIAL DISCLOSURE STATEMENTS

DESCRIPTION:

The Committee is in receipt of County Communication No. 11-120, from Council Chair Danny A. Mateo, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS". The purpose of the proposed bill is to require candidates for elective County office to file financial disclosure statements concurrently with the filing of nomination papers, instead of allowing financial disclosure statements to be filed within 15 days of filing nomination papers, consistent with the 2010 amendment to the Revised Charter of the County of Maui (1983), as amended.

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STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 11-120 and other related action.

POL-1(30) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND INDEMNIFICATION AUTHORIZATION: COLIN DEREK GARDNER V. SAMUEL AH LOO, ET AL.; CIVIL NO. 10-00283 ACK RLP)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 09-14, from Michael J. Molina, Chair, Committee of the Whole, relating to litigation matters.
2. Correspondence dated June 16, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to indemnify Samuel Ah Loo and Lance Kaupalolo in Colin Derek Gardner v. Samuel Ah Loo, et al., Civil No. CV 10-00283 ACK LEK, and transmitting a copy of the Verified Complaint, the County’s Notice of Removal, and correspondence dated May 19, 2010, from the Chair of the Police Commission. The complaint alleges false arrest, intentional and negligent infliction of emotional distress, deprivation of Plaintiff’s constitutional rights, and personal injury. The purpose of the proposed resolution is to indemnify Police Officers Samuel Ah Loo and Lance Kaupalolo in the case.
3. Correspondence dated May 10, 2011, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled “AUTHORIZING SETTLEMENT OF COLIN DEREK GARDNER VS. SAMUEL AH LOO, ET AL., CIVIL NO. 10-00283 ACK RLP”. The purpose of the proposed resolution is to authorize settlement of the case.
4. Correspondence dated June 1, 2011, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “INDEMNIFYING SAMUEL AH LOO IN COLIN DEREK GARDNER VS. SAMUEL AH LOO, ET AL., CIVIL NO. 10-00283 ACK RLP”, and notifying the Committee of the dismissal of Lance Kaupalolo from the case. The purpose of the revised proposed resolution is to indemnify Police Officer Samuel Ah Loo in the case.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution authorizing settlement of the case and the revised proposed resolution authorizing indemnification of Samuel Ah Loo, with or without revisions. The Committee may also consider the filing of County Communication No. 09-14 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 (“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(12) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT; U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX DOCKET NO. UIC-09-2011-0002)

DESCRIPTION: The Committee is in receipt of correspondence dated June 6, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF IN THE MATTER OF COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX DOCKET NO. UIC-09-2011-0002”, and attaching the proposed consent agreement as Exhibit “A”. The U.S. Environmental Protection Agency (“EPA”) alleges that the County violated certain provisions of the Safe Drinking Water Act and certain terms of the County’s Underground Injection Control Permit issued by the EPA for the operation of the Lahaina Wastewater Reclamation

Facility. The purpose of the proposed resolution is to authorize settlement of the matter under the terms set forth in the proposed consent agreement.

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.

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