

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

Wednesday, August 17, 2011

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor

200 South High Street, Wailuku, Hawaii

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

OFFICE OF THE  
COUNTY CLERK

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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 Jo-Ann Sato) 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-3(4)

### HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (OFFICERS FOR FISCAL YEAR 2012)

DESCRIPTION:

The Committee is in receipt of correspondence dated August 10, 2011, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES OFFICERS FOR FISCAL YEAR 2012". The purpose of the proposed resolution is to approve the following revised slate of Hawaii State Association of Counties officers for Fiscal Year 2012: Councilmember Mel Rapozo (County of Kauai) as President; Councilmember K. Angel Pilago (County of Hawaii) as Vice-President; Councilmember Stanley Chang (City and County of Honolulu) as Secretary; and Councilmember Joseph Pontanilla (County of Maui) as Treasurer.

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.

MORE →

**POL-3(3) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2012 HSAC LEGISLATIVE PACKAGE)**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 11-208, from the Council Chair, transmitting the following:

1. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROVIDING THE COUNTIES WITH A PERCENTAGE OF FINES FOR UNCONTESTED TRAFFIC INFRACTIONS". The purpose of the proposed resolution is to approve for inclusion in the HSAC Legislative Package a State bill requiring that each county be provided with a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county.
2. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL INCREASING THE TIME FOR REVIEW OF AFFORDABLE HOUSING PROJECTS SUBMITTED PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve for inclusion in the HSAC Legislative Package a State bill increasing the time within which the Council shall decide upon an HRS Chapter 201H project, from 45 to 60 days.
3. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL REQUIRING THE LABELING OF GENETICALLY ENGINEERED FOOD PRODUCTS". The purpose of the proposed resolution is to approve for inclusion in the HSAC Legislative Package a State bill to require the labeling of genetically engineered food products sold in the State.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider the filing of County Communication No. 11-208 and other related action.

**POL-3(2) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (MEMORANDUM OF UNDERSTANDING - COUNTIES OF HAWAII: SISTER-CITIES SUMMIT 2011)**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 11-190, from Councilmember Joseph Pontanilla, transmitting a draft resolution entitled "APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE HAWAII ASSOCIATION OF COUNTIES AND PACIFIC GATEWAY CENTER FOR THE COUNTIES OF HAWAII: SISTER-CITIES SUMMIT 2011". The purpose of the draft resolution is to approve a Memorandum of Understanding to facilitate management of a conference called "Counties of Hawaii: Sister-Cities Summit 2011" to be held on Oahu in September 2011.

**STATUS:** The Committee may consider the filing of County Communication No. 11-190 and other related action.

**POL-23 DEPARTMENT OF FIRE & PUBLIC SAFETY 2010 MASTER STRATEGIC PLAN**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 11-118, from the Fire Chief, transmitting a document entitled "MAUI COUNTY DEPARTMENT OF FIRE & PUBLIC SAFETY MASTER STRATEGIC PLAN – DECEMBER 2010".

**STATUS:** The Committee may receive a presentation on the Master Strategic Plan. The Committee may also consider the filing of County Communication No. 11-118 and other related action.

**POL-1(13) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JON DeCAMBRA V. COUNTY OF MAUI; CASE NO. 7-09-01570)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 13, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JON DECAMBRA VS. COUNTY OF MAUI, CASE NO. 7-09-01570". The claim alleges work-related injuries sustained on July 20, 2009. The purpose of the proposed resolution is to authorize settlement of the workers' compensation 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 ("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(14) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND INDEMNIFICATION AUTHORIZATION: MARIE J. KOSEGARTEN V. DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI; BENJAMIN M. ACOB; AND TIMOTHY T. TATE; CIVIL NO. CV 10-00321 LEK/KSC)**

**DESCRIPTION:** The Committee is in receipt of the following:

1. Correspondence dated July 12, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARIE J. KOSEGARTEN V. THE DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI; BENJAMIN M. ACOB; AND TIMOTHY T. TATE; CIVIL NO. CV 10-00321 LEK/KSC". The complaint alleges that the Defendants discriminated against the Plaintiff based on her sex and sexual orientation, and committed unlawful employment practices in violation of the Fourteenth Amendment to the United States Constitution and Hawaii State law. The purpose of the proposed resolution is to authorize settlement of the case.

2. Correspondence dated July 8, 2011, from the Department of the Corporation Counsel, transmitting a copy of the First Amended Complaint and requesting consideration of the following:
  - a. A proposed resolution entitled "INDEMNIFYING BENJAMIN M. ACOB IN MARIE J. KOSEGARTEN V. THE DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI; BENJAMIN M. ACOB; AND TIMOTHY T. TATE; CIVIL NO. CV 10-00321 LEK/KSC". The purpose of the proposed resolution is to indemnify Benjamin M Acob, former Prosecuting Attorney, in the case.
  - b. A proposed resolution entitled "INDEMNIFYING TIMOTHY T. TATE IN MARIE J. KOSEGARTEN V. THE DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI; BENJAMIN M. ACOB; AND TIMOTHY T. TATE; CIVIL NO. CV 10-00321 LEK/KSC". The purpose of the proposed resolution is to indemnify Timothy T. Tate, Deputy Prosecuting Attorney, in the case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolutions, 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.