

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

Wednesday, September 14, 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>

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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 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-2(20)**

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (ANIMAL CONTROL BOARD)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated August 17, 2011 (received August 17, 2011), from the Mayor, transmitting a draft resolution entitled "APPOINTMENT OF MEMBER TO THE ANIMAL CONTROL BOARD", along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Anthony Vargas to the Animal Control Board, for a term expiring on March 31, 2013, to fill an existing vacancy due to the resignation of Rosanna Cabatic.

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**STATUS:** The Council must approve or disapprove the nomination by October 16, 2011, or the nomination 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(14) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(SALARY COMMISSION)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 17, 2011 (received August 17, 2011), from the Mayor, transmitting a draft resolution entitled "APPOINTMENT OF MEMBER TO THE SALARY COMMISSION", along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Edward Tamori to the Salary Commission, for a term expiring on March 31, 2012, to fill an existing vacancy due to the resignation of Juliana Julie M. Higa.

**STATUS:** The Council must approve or disapprove the nomination by October 16, 2011, or the nomination 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-31 DONATION FROM THE U.S. MARSHAL SERVICE TO THE  
DEPARTMENT OF POLICE**

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

1. County Communication No. 11-221, from the Chief of Police, transmitting a proposed resolution to authorize the acceptance of a 2010 Ford Explorer, valued at approximately \$35,000, to be used by the Department of Police, Fugitive Task Force personnel.
2. Correspondence dated September 7, 2011, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION FROM THE U.S. MARSHAL SERVICE TO THE DEPARTMENT OF POLICE, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND CHAPTER 3.56, MAUI COUNTY CODE". 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 the filing of County Communication No. 11-221 and other related action.

**POL-1(15) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MARK HIGA  
AND JASMINE HIGA V. DAVID ROARTY, COUNTY OF MAUI, ET AL., CIVIL NO.  
10-1-0373 (3))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 4, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARK HIGA AND JASMINE HIGA V. DAVID ROARTY, ET AL., CIVIL NO. 10-1-0373(3)" and transmitting a copy of the Complaint. The Complaint alleges damages for injuries sustained as a result of a collision between the plaintiffs' vehicle and the motor vehicle driven by David Roarty at the intersection of Hana Highway and Dairy Road in Kahului on or about May 25, 2009. The purpose of the proposed resolution is to authorize settlement of the case on behalf of Mr. Roarty and the County.

**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(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 August 8, 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 Amended Complaint alleges Ms. Pounder was injured as a result of tripping over a metal-plate covered concrete water meter junction box located at the Eddie Tam Memorial Center in Makawao, Maui. The purpose of the proposed resolution is to provide additional settlement authority in 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 (“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-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.