

POLICY COMMITTEE
Council of the County of Maui

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Meeting Agenda

Wednesday, December 14, 2011
9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

**OFFICE OF THE
COUNTY CLERK**

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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

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POL-4(1)

MAUI COUNTY LEGISLATIVE PACKAGE (2012 MAUI COUNTY LEGISLATIVE PACKAGE)

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication 11-247, from Council Chair Danny A. Mateo, transmitting the following:
 - a. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TIME SHARE ZONING". The purpose of the proposed resolution is to approve for inclusion in the 2012 Maui County Legislative Package a State bill providing that, if a county establishes a time share zoning district that allows time share units and time share plans, the county may restrict time share units and time share plans in other zoning districts, including areas designated for hotel use, resort use, or transient vacation rentals.

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- b. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL PROHIBITING MOPEDS ON BICYCLE PATHS WHERE BICYCLE LANES ARE PROVIDED". The purpose of the proposed resolution is to approve for inclusion in the 2012 Maui County Legislative Package a State bill prohibiting moped drivers from using bicycle paths wherever bicycle lanes are also provided.
2. Correspondence dated December 6, 2011, from the Chair of the Committee, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE SENATE BILL 318, SENATE DRAFT 2 (2011), RELATING TO DIGITAL MEDIA". The purpose of the proposed resolution is to approve for inclusion in the 2012 Maui County Legislative Package Senate Bill 318, Senate Draft 2 (2011), relating to digital media, to promote the development of the digital media industry in the State of Hawaii.

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 11-247 and other related action.

POL-6(1) AMENDMENTS TO THE RULES OF THE COUNCIL (RULE 17, RELATING TO TESTIMONY)

DESCRIPTION: The Committee is in receipt of correspondence dated December 6, 2011, from the Chair of the Committee, transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO TESTIMONY". The purpose of the proposed resolution is to amend Rule 17(B)(2) of the Rules of the Council to allow time limits for oral testimony at committee meetings to be modified, if initiated by the presiding officer, with the approval of a majority of the committee.

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.

POL-37 REPORTS ON SETTLEMENT OF CLAIMS

DESCRIPTION: The Committee is in receipt of County Communication 11-301, from the Director of Finance, transmitting two reports on the settlement of claims as of September 30, 2011.

STATUS: The Committee may discuss the reports. The Committee may also consider the filing of County Communication 11-301 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(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 December 6, 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 that Jon DeCambra sustained work-related injuries while employed by the County on July 20, 2009. The Council previously authorized settlement of the workers' compensation claim by Resolution 11-90. The purpose of the proposed resolution is to authorize settlement of the claim under different terms than previously authorized.

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-35 WATERLINE, ACCESS, UTILITIES, AND LANDSCAPING EASEMENTS INVOLVING THE DEPARTMENT OF POLICE, MONSANTO COMPANY, AND HALEAKALA RANCH COMPANY FOR THE DEVELOPMENT OF THE KIHEI POLICE STATION

DESCRIPTION: The Committee is in receipt of County Communication 11-296, from the Chief of Police, transmitting a proposed resolution entitled “AUTHORIZING THE ACCEPTANCE OF THE DEDICATION OF A R-1 WATERLINE, R-1 WATERLINE EASEMENT, AND AN ACCESS, UTILITIES AND LANDSCAPING EASEMENT FROM MONSANTO COMPANY, THE CANCELLATION OF EXISTING EASEMENT, AND THE GRANT OF A RELOCATABLE R-1 WATERLINE EASEMENT TO HALEAKALA RANCH COMPANY, PURSUANT TO CHAPTERS 3.44 AND 3.56, MAUI COUNTY CODE”. The purpose of the proposed resolution is to authorize, for the development of the Kihei Police Station at TMK: (2) 2-2-02:070, Kihei, Maui, Hawaii (“subject property”), the acceptance of an R-1 waterline and related waterline easement from Monsanto Company; the cancellation of an existing access easement over TMK: (2) 2-2-02:069, Kihei, Maui, Hawaii, in favor of an access easement across the subject property; the acceptance of an access, utilities, and landscaping easement from Monsanto Company; and the grant of a relocatable R-1 waterline easement to Haleakala Ranch Company.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-296 and other related action.

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