

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

Wednesday, February 15, 2012

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

2012 FEB -9 AM 9: 50

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(26)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COUNCIL ON AGING)

DESCRIPTION:

The Committee is in receipt of correspondence dated February 1, 2012 (received February 2, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Martha Foit to the Council on Aging, for a term expiring on March 31, 2013, to fill an existing vacancy due to the resignation of Douglas Harr.

MORE →

STATUS: The Council must approve or disapprove the nomination by April 2, 2012, or the nomination will be deemed approved. 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-2(29) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(CIVIL SERVICE COMMISSION)**

DESCRIPTION: The Committee is in receipt of correspondence dated January 27, 2012 (received January 27, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF MEMBER TO THE CIVIL SERVICE COMMISSION", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Alice Lee to the Civil Service Commission, for a term expiring on March 31, 2013, to fill an existing vacancy due to the resignation of Delbert DeRego.

STATUS: The Council must approve or disapprove the nomination by March 27, 2012, or the nomination will be deemed approved. 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-2(31) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(VARIOUS)**

DESCRIPTION: The Committee is in receipt of correspondence dated January 31, 2012 (received January 31, 2012), from the Mayor, transmitting a proposed 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 proposed resolution is to approve or disapprove the Mayor's following nominees to various boards, committees, and commissions (for terms expiring on March 31, 2017, unless otherwise indicated):

- A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 - 1. Abelardo Corella (Reappointment).
- B. ANIMAL CONTROL BOARD
 - 1. Doreen Forsberg.
- C. BOARD OF CODE APPEALS
 - 1. Todd Sherman; and
 - 2. Gerald Lee.
- D. BOARD OF ETHICS
 - 1. Randol Leach; and
 - 2. Norman Franco.
- E. BOARD OF VARIANCES AND APPEALS
 - 1. Teddy Espeleta; and
 - 2. Gene Abbott.
- F. BOARD OF WATER SUPPLY
 - 1. Michael Suzuki; and
 - 2. Robert Joslin.
- G. CIVIL SERVICE COMMISSION
 - 1. Jon Santos (Reappointment).

- H. COMMISSION ON CHILDREN AND YOUTH
 - 1. Autumn Arase; and
 - 2. Colin Hanlon.

- I. COMMISSION ON CULTURE AND THE ARTS
 - 1. Clifford Libed (Reappointment); and
 - 2. Stephen Hynson.

- J. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. Eric Cuomo; and
 - 2. Alan Fukuyama.

- K. COST OF GOVERNMENT COMMISSION
 - 1. Jeffrey Halpin, for a term expiring on 03/31/2014;
 - 2. Ronald Kawahara, for a term expiring on 03/31/2014 (Reappointment);
 - 3. Frank De Rego, Jr., for a term expiring on 03/31/2014 (Reappointment);
 - 4. Alexander Gat, for a term expiring on 03/31/2014; and
 - 5. Victoria Johnson, for a term expiring on 03/31/2014.

- L. COUNCIL ON AGING
 - 1. Mary Margaret Baker;
 - 2. William Myrter; and
 - 3. Maria Zielinski.

- M. FIRE AND PUBLIC SAFETY COMMISSION
 - 1. Doreen Gomes; and
 - 2. Patrick Borge.

- N. HANA ADVISORY COMMITTEE
 - 1. Clayton Carvalho, Jr.

- O. LANAI PLANNING COMMISSION
 - 1. Ralph Black; and
 - 2. James Clemens.

- P. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. Doris Tanaka; and
 - 2. Patrick De Ponte.

- Q. LIQUOR CONTROL COMMISSION
 - 1. William Kennison; and
 - 2. Neldon Mamuad.

- R. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Mikey Tomita (Reappointment);
 - 2. Joseph Felipe; and
 - 3. Gayle Burton.

- S. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Gaylord Kubota.

- T. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. William Lawson; and
 - 2. Susan Liscombe.

- U. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 - 1. Todd Sherman.
- V. MAUI PLANNING COMMISSION
 - 1. Maxwell Tsai; and
 - 2. Wayne Hedani.
- W. MOLOKAI PLANNING COMMISSION
 - 1. Karen Ashley; and
 - 2. Amy Maeda.
- X. POLICE COMMISSION
 - 1. Lawrence Ing; and
 - 2. Michael Wilson.
- Y. REAL PROPERTY TAX REVIEW BOARD
 - 1. Bruce Erfer.
- Z. SALARY COMMISSION
 - 1. Edward Tamori (Reappointment).
- AA. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 - 1. Darren Okimoto.

STATUS: The Council must approve or disapprove the nominations by March 31, 2012, or the nominations will be deemed approved. 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-41 SISTER-CITY RELATIONSHIP WITH GOYANG CITY, GYEONGGI PROVINCE, SOUTH KOREA

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 12-21, from Mayor Alan M. Arakawa, transmitting a proposed resolution to establish a sister-city relationship with Goyang City, Gyeonggi Province, South Korea.
2. Correspondence dated February 8, 2012, from the Director of the Office of Economic Development, transmitting a revised proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH GOYANG CITY, GYEONGGI PROVINCE, SOUTH KOREA".

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 12-21 and other related action.

POL-1(21) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MAUI LAND & PINEAPPLE COMPANY, INC. V. COUNTY OF MAUI, ET AL.; CIVIL 08-00465 SOM LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated January 30, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MAUI LAND & PINEAPPLE COMPANY, INC. V. COUNTY OF MAUI, ET AL. CIVIL NO. CV08-00465 SOM LEK", and transmitting a copy of the complaint and a document entitled "Order Granting Defendants' Motion for Summary Judgment with Respect to Federal Claims and Declining to Exercise Supplemental Jurisdiction Over State-Law Claims". The complaint alleges

that the Kapalua Central Resort project is exempt from Chapter 2.96, Maui County Code, also known as the County's Residential Workforce Housing Policy. Maui Land & Pineapple Company, Inc. has appealed the order granting Defendants' motion for summary judgment to the Ninth Circuit Court of Appeals. The purpose of the proposed resolution is to authorize settlement of 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, 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-37**REPORTS ON SETTLEMENT OF CLAIMS**

DESCRIPTION: The Committee is in receipt of County Communication 12-20, from the Director of Finance, transmitting two reports on the settlement of claims as of December 31, 2011.

STATUS: The Committee may discuss the reports. The Committee may also consider the filing of County Communication 12-20 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.