

POLICY COMMITTEE
Council of the County of Maui

Meeting Agenda

Monday, April 9, 2012
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

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

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OFFICE OF THE
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 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 modified pursuant to the Rules of the Council, provided a modification 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 to ensure distribution at the meeting.

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(31) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LANAI PLANNING COMMISSION AND LIQUOR CONTROL ADJUDICATION BOARD)

DESCRIPTION: The Committee is in receipt of correspondence dated March 29, 2012 (received March 29, 2012), from the Mayor, transmitting the following:

1. A proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION 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 nominations of Michael Lopez and Garrett Hera to the Lanai Planning Commission, for terms expiring on March 31, 2017.

2. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Bernard Despins to the Liquor Control Adjudication Board, for a term expiring on March 31, 2017.

STATUS: The Council must approve or disapprove the nominations by May 28, 2012, or the nominations will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

POL-3(8) HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") (FISCAL YEAR 2013 PROPOSED ANNUAL OPERATING BUDGET)

DESCRIPTION: The Committee is in receipt of correspondence dated March 19, 2012, from Councilmember Joseph Pontanilla, transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2013 PROPOSED ANNUAL OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES". The purpose of the proposed resolution is to approve the HSAC Fiscal Year 2013 Proposed Annual Operating Budget, attached as Exhibit "A" to the resolution.

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-10(12) PROPOSED CHARTER AMENDMENTS (CHARTER COMMISSION'S PROPOSALS)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated March 30, 2012, from Council Chair Danny A. Mateo, transmitting a copy of the "2011-2012 Maui County Charter Commission Final Report", dated March 30, 2012 ("Final Report"), transmitting 11 proposed Charter amendments, with ballot questions as follows:
 - a. Proposal One: "Shall Section 3.2, of the Charter of the County of Maui be amended to:
 - (a) Change the term of office for Council members from two (2) to four (4) years; and
 - (b) Limit the term to no more than three (3) consecutive terms; and
 - (c) Have the terms be staggered?"
 - b. Proposal Two: "Shall Section 8-7.4 of the Charter of the County of Maui be amended to assign shoreline and ocean rescue and safety to the Department of Fire and Public Safety?"
 - c. Proposal Three: "Shall the Charter be amended to establish an independent Office of the County Auditor, to provide for the appointment and removal of an independent County Auditor by the County Council, to define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, to attach the Cost of Government Commission as an advisory board to the County Auditor, and to make other clarifying, conforming, transitional, and related amendments?"
 - d. Proposal Four: "Shall Article 3, County Council, of the Charter of the County of Maui be amended to require interactive communications access for public testimony at all County Council and County Council committee meetings for the residents of Hana, Lana'i, Moloka'i and other geographic areas as the Council deems appropriate and reasonable?"
 - e. Proposal Five: "Shall Article 14, Charter Amendments, be amended to add a new section to require that the Maui County Charter be revised and published to include all new significant amendments adopted?"
 - f. Proposal Six: "Shall Article 13, General Provisions, of the Charter of the County of Maui be amended to require the County of Maui to fund the defense of members of all County of Maui boards and commissions in the bona fide and good faith discharge of their official duties and indemnify said members in the event of civil action as a result of the lawful performance of their duties?"

- g. Proposal Seven: "Shall Section 3.3 of the Charter of the County of Maui be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected from 90 days to 1 year before a candidate for council files nomination papers?"
 - h. Proposal Eight: "Shall Section 7.3 of the Charter of the County of Maui be amended to increase the time period for residency requirement in the County of Maui from 90 days to 1 year before a candidate for Mayor files nomination papers?"
 - i. Proposal Nine: "Shall Section 8-15.3 of the Charter of the County of Maui be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management: Guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration?"
 - j. Proposal Ten: "Shall Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the evaluation and removal of its directors or chiefs?"
 - k. Proposal Eleven: "Shall the Preamble of the Maui County Charter be amended to add that the people of the County of Maui being mindful of their Hawaiian history, heritage and culture and uniqueness as a four island County shall dedicate their efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono," ["The life of the land is perpetuated in righteousness."]"
3. Correspondence dated April 2, 2012, from the Chair of the Committee, transmitting the following:
- a. A proposed resolution entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS". The purpose of the proposed resolution is to suggest an alternative to the Charter Commission to Proposal One of its Final Report, relating to County Council term limits.
 - b. A proposed resolution entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR". The purpose of the proposed resolution is to suggest an alternative to the Charter Commission to Proposal Three of its Final Report, relating to the County Auditor.
 - c. A proposed resolution entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COMMUNICATIONS ACCESS". The purpose of the proposed resolution is to suggest an alternative to the Charter Commission to Proposal Four of its Final Report, relating to communications access.

STATUS:

The Committee may consider whether to recommend that the Council suggest any alternatives to the Charter Commission's proposed Charter amendments, pursuant to Chapter 50, Hawaii Revised Statutes. The Committee may also consider the adoption of the proposed resolutions, with or without revisions, and other related action. The Council has until April 29, 2012, to return any proposed alternatives to the Charter Commission for its study.

POL-10(3)**PROPOSED CHARTER AMENDMENTS (OFFICE OF THE COUNTY AUDITOR)****DESCRIPTION:**

The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-143 from Councilmember Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to establish an Office of the County

Auditor to strengthen the auditing function in County government and to ensure that the agencies and programs of the County are held to the highest standard of accountability to the public.

STATUS: The Committee may consider the proposed resolution and the differences between this Charter amendment proposal and Proposal Three from the Charter Commission, in connection with its consideration of alternatives for presentation to the Charter Commission. The Committee may also consider the filing of County Communication 11-143 and other related action.

POL-10(4) PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING DIRECTOR)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-165, from Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING DIRECTOR". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Council approval of the Mayor's appointment of the Planning Director should be required.

STATUS: The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-165 and other related action.

POL-10(5) PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 11-166 from Council Chair Danny A. Mateo, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Council approval of the Mayor's appointment of the Director of Finance should be required.

STATUS: The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 11-166 and other related action.

POL-10(11) PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE MANAGING DIRECTOR)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated March 30, 2012, from the Chair of the Committee, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE MANAGING DIRECTOR". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Council approval of the Mayor's appointment of the Managing Director should be required.

STATUS: The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider other related action.

POL-10(8) PROPOSED CHARTER AMENDMENTS (PLANNING COMMISSION REVIEW OF LAND USE ORDINANCES)

DESCRIPTION: The Committee is in receipt of the following:
1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated October 21, 2011, from Councilmember Donald G. Couch, Jr., transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO SECTION 8-8.4 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PLANNING COMMISSION REVIEW OF LAND USE ORDINANCES". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the second Section 8-8.4(3) of the Charter should be amended to require the planning commissions to transmit findings and recommendations within 120 days after receipt of the referral.

STATUS: The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider other related action.

POL-10(9) PROPOSED CHARTER AMENDMENTS (PENALTIES)

DESCRIPTION: The Committee is in receipt of the following:
1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated January 3, 2012, from Councilmember Donald G. Couch, Jr., transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PENALTIES". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 13-10 of the Charter should be amended to remove the limitation on the amount of penalties that may be imposed.

STATUS: The Committee may consider whether to recommend passage on first reading of the proposed resolution, with or without revisions. The Committee may also consider other related action.