

**POLICY COMMITTEE**  
Council of the County of Maui

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**Meeting Agenda**

OFFICE OF THE  
COUNTY CLERK

**Tuesday, May 8, 2012**  
**1:00 p.m.**  
**Council Chamber, 8<sup>th</sup> Floor**  
**200 South High Street, Wailuku, Hawaii**

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 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-1(23)**

**LITIGATION MATTERS (STATUS: HAWAII WILDLIFE FUND, SIERRA CLUB - MAUI GROUP, SURFRIDER FOUNDATION, AND WEST MAUI PRESERVATION ASSOCIATION V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated April 20, 2012, from Council Chair Danny A. Mateo, transmitting correspondence dated April 18, 2012, from the Department of the Corporation Counsel, requesting an opportunity to discuss the status of the case and transmitting a copy of the complaint. The complaint alleges violations of the Federal Clean Water Act arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility.

**STATUS:**

The Committee may discuss the status of the case. The Committee may also consider other related action.

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**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(22) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LILIA CARDONES AND NOEL CARDONES V. COUNTY OF MAUI, ET AL., CIVIL 11-1-0293(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated April 12, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LILIA CARDONES AND NOEL CARDONES V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-1-0293(1)" and transmitting a copy of the complaint. The complaint alleges damages resulting from a collision between the Cardones' motor vehicle and the motor vehicle driven by Anthony Krau, a County employee, at the intersection of South Papa Avenue and One Street in Kahului on April 14, 2009. 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 ("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(7) HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") (COUNCIL'S REPRESENTATIVES FOR FISCAL YEAR 2013 HSAC EXECUTIVE COMMITTEE)**

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

1. Correspondence dated March 6, 2012, from Councilmember Joseph Pontanilla, transmitting a proposed resolution to appoint a Council member to serve as an officer of the HSAC Executive Committee, and to appoint a Council member to serve as an alternate, for a term commencing on July 1, 2012, and ending on June 30, 2013.
2. Correspondence dated April 30, 2012, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "APPROVING THE APPOINTMENT OF THE MAUI COUNTY COUNCIL'S REPRESENTATIVE AND ALTERNATE REPRESENTATIVE AS OFFICERS ON THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE FOR FISCAL YEAR 2013". The purpose of the proposed resolution is to appoint Councilmember Joseph Pontanilla to serve as an officer of the HSAC Executive Committee, and to appoint Councilmember G. Riki Hokama to serve as an alternate, for a term commencing on July 1, 2012, and ending on June 30, 2013.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider other related action.

**POL-10(14) PROPOSED CHARTER AMENDMENTS (VACANCY IN OFFICE)**

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

1. County Communication 09-229, from the Chair of the Committee of the Whole, relating to proposed Charter amendments.

- 2. Correspondence dated April 25, 2012, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO VACANCY IN OFFICE". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 3-4 of the Charter should be amended to clarify that the remainder of an unexpired term served by a Council member filling a vacancy in office shall not be counted towards the maximum number of consecutive terms the Council member may serve.

**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-48                    INTERGOVERNMENTAL AGREEMENT WITH HAWAII AIR NATIONAL GUARD REGARDING USE OF UKUMEHAME FIRING RANGE (LAHAINA)**

**DESCRIPTION:** The Committee is in receipt of County Communication 12-81, from the Chief of Police, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH HAWAII AIR NATIONAL GUARD, THE 292<sup>nd</sup> COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE UKUMEHAME FIRING RANGE FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the Hawaii Air National Guard, the 292nd Combat Communications Squadron, to establish a contractual relationship for annual military small-arms training and certification at the Ukumehame Firing Range in Lahaina.

**STATUS:** The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 12-81 and other related action.