

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

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**Meeting Agenda**

**OFFICE OF THE  
COUNTY CLERK**

**Wednesday, June 13, 2012  
9:00 a.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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-2(35) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
BOARD OF WATER SUPPLY)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 16, 2012 (received May 17, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF WATER SUPPLY", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Cyrus Kodani to the Board of Water Supply, for a term expiring on March 31, 2013, to fill an existing vacancy due to the resignation of Ted Yamamura.

**STATUS:** The Council must approve or disapprove the nomination by July 16, 2012, or the nomination will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action.

**MORE →**

**POL-2(33) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(MAUI REDEVELOPMENT AGENCY)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 16, 2012 (received May 17, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Don Fujimoto to the Maui Redevelopment Agency, for a term expiring on March 31, 2017.

**STATUS:** There is no time limitation for Council approval or disapproval of the nomination. 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-3(4) HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") (HSAC EXECUTIVE COMMITTEE, HSAC NOMINEES TO NATIONAL ASSOCIATION OF COUNTIES BOARD, AND HSAC NOMINEES TO WESTERN INTERSTATE REGION BOARD FOR FISCAL YEAR 2013)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 6, 2012, from Councilmember Joseph Pontanilla, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") OFFICERS, HSAC NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, AND HSAC NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2013". The purpose of the proposed resolution is to approve the HSAC slate of officers, as well as the HSAC nominees to the National Association of Counties and Western Interstate Region boards.

**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(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 the Chair of the Committee of the Whole, relating to proposed Charter amendments.
2. County Communication 11-165, from Council Chair Danny A. Mateo, transmitting a proposed resolution to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Planning Director.
3. Correspondence dated June 5, 2012, from the Department of the Corporation Counsel, transmitting a revised 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 revised proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Planning Director. The revised proposed resolution clarifies procedural requirements associated with the proposed Charter amendment.

**STATUS:** The Committee may consider whether to recommend passage on first reading of the revised proposed resolution, with or without further 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 the Chair of the Committee of the Whole, relating to proposed Charter amendments.
  2. County Communication 11-166 from Council Chair Danny A. Mateo, transmitting a proposed resolution to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Director of Finance.
  3. Correspondence dated June 5, 2012, from the Department of the Corporation Counsel, transmitting a revised 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 revised proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Director of Finance. The revised proposed resolution clarifies procedural requirements associated with the proposed Charter amendment.
- STATUS:** The Committee may consider whether to recommend passage on first reading of the revised proposed resolution, with or without further 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 the Chair of the Committee of the Whole, relating to proposed Charter amendments.
  2. Correspondence dated March 30, 2012, from the Chair of the Policy Committee, transmitting a proposed resolution to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Managing Director.
  3. Correspondence dated June 5, 2012, from the Department of the Corporation Counsel, transmitting a revised 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 revised proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor's appointment of the Managing Director. The revised proposed resolution clarifies procedural requirements associated with the proposed Charter amendment.
- STATUS:** The Committee may consider whether to recommend passage on first reading of the revised proposed resolution, with or without further 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 the Chair of the Committee of the Whole, relating to proposed Charter amendments.
  2. Correspondence dated October 21, 2011, from Councilmember Donald G. Couch, Jr., transmitting a proposed resolution to place on the next General Election ballot the question of whether Section 8-8.4 of the Charter should be amended to require the planning commissions to transmit findings and recommendations within 120 days after receipt of the referral rather than 120 days after the final public hearing.

3. Correspondence dated May 30, 2012, from the Department of the Corporation Counsel, transmitting a revised 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 revised proposed resolution is to place on the next General Election ballot the question of whether Section 8-8.4 of the Charter should be amended to require the planning commissions to transmit findings and recommendations within 120 days after receipt of the referral rather than 120 days after the final public hearing. The revised proposed resolution clarifies procedural requirements associated with the proposed Charter amendment and incorporates nonsubstantive revisions.

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

## **POL-10(12)**

### **PROPOSED CHARTER AMENDMENTS (CHARTER COMMISSION'S PROPOSALS AND RECALLED COUNCIL ALTERNATIVES)**

#### **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. County Communication 12-75, from the Chair of the Maui County Charter Commission, transmitting a copy of the "2011-2012 Maui County Charter Commission Final Report", dated March 30, 2012, transmitting 11 proposed Charter amendments.
3. County Communication 12-104, from the Chair of the Maui County Charter Commission, transmitting the Charter Commission's response to the Council's recommendations and proposed alternatives received on April 27, 2012.
4. Miscellaneous Communication, dated June 1, 2012, from the County Clerk, referring a copy of Resolution 12-44, entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS", recalled by the Council at its meeting of June 1, 2012.
5. Miscellaneous Communication, dated June 1, 2012, from the County Clerk, referring a copy of Resolution 12-45, 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", recalled by the Council at its meeting of June 1, 2012.
6. Correspondence dated June 7, 2012, from the Chair of the Policy Committee, transmitting the following:
  - a. A revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS". The purpose of the revised proposed resolution is to place on the next general election ballot the question of whether the Charter should be amended to lengthen the terms of Council members from two to four years, with term limits of three consecutive full, or four-year, terms, beginning on January 2, 2015, with terms to be staggered. This resolution contains the identical Charter amendment language contained in Resolution 12-44.
  - b. One of two versions of a revised 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 revised proposed resolution is to place on the next general election ballot the question of whether the Charter should be amended to establish an independent Office of the County Auditor, remove the Cost of Government Commission, and make other clarifying, conforming, transitional, and related amendments. This version of the resolution contains the identical Charter amendment language contained in Resolution 12-45.
  - c. One of two versions of a revised 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 revised proposed resolution is to place on the next general election ballot the question of whether the Charter should be amended to establish an independent Office of the County Auditor, provide for the appointment and removal of an independent County Auditor by the County Council, define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, remove the Cost of Government Commission, and make other clarifying, conforming, transitional, and related amendments.

**STATUS:** The Committee may consider whether to recommend passage on first reading of the revised proposed resolution noted in paragraph 4(a), above, with or without further revisions. The Committee may also consider whether to recommend passage on first reading of the revised proposed resolution noted in either paragraph 4(b) or 4(c), above, with or without further revisions. The Committee may also consider the filing of County Communications 12-75 and 12-104, and the two Miscellaneous Communications dated June 1, 2012, and other related action.

**POL-1(24)**

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL 10-1-1246)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated May 18, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE MATTER OF THE TAX APPEAL OF KAHEAWA WIND POWER, LLC TAX APPEAL NO. 10-1-1246", and transmitting a copy of each of the notices of appeal for tax years 2007, 2008, 2009, 2010, and 2011, and the order consolidating the five tax appeals under Tax Appeal 10-1-1246. In its tax appeals, Kaheawa Wind Power, LLC, alleges that the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway. The purpose of the proposed resolution is to authorize settlement of the consolidated appeal.

**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.