

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

Wednesday, September 19, 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>

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Donald G. Couch, Jr.

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(42)

### NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (CIVIL SERVICE COMMISSION; COST OF GOVERNMENT COMMISSION)

#### DESCRIPTION:

The Committee is in receipt of correspondence dated August 15, 2012 (received August 16, 2012), from the Mayor, transmitting the following:

1. A proposed resolution entitled "APPOINTMENT OF A 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 Yarrow Flower to the Civil Service Commission, for a term expiring on March 31, 2014, to fill an existing vacancy due to the resignation of Ann Moe.

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2. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Calmentina Gomes to the Cost of Government Commission, for a term expiring on March 31, 2014, to fill an existing vacancy due to the resignation of Alexander Gat.

**STATUS:** The Council must approve or disapprove the nominations by October 15, 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-55****ROADS IN LIMBO IN MAUI COUNTY AND STATEWIDE**

**DESCRIPTION:** The Committee is in receipt of County Communication 12-181, from the Director of Public Works, requesting review, discussion and guidance on the Council's willingness to participate in the acceptance of roads "in limbo", and transmitting copies of the following:

1. Senate Resolution 17, S.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY"; and
2. Senate Concurrent Resolution 49, S.D.1, H.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE".

**STATUS:** The Committee may receive a presentation from the Department of Public Works on this matter. The Committee may also consider the filing of County Communication 12-181 and other related action.

**POL-1(20)****LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TROY MATTOS, ET AL. V. DARREN AGARANO, ET AL.; CIVIL 07-00220 DAE BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 6, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TROY MATTOS AND JAYZEL MATTOS V. DARREN AGARANO, ET AL., CIVIL NO. CV07-00220 DAE BMK", and transmitting a copy of the complaint. The complaint alleges violations of Plaintiffs' constitutional rights arising from their arrest on August 23, 2006. The Council previously authorized settlement of the case by Resolutions 08-29 and 12-13. The purpose of the proposed resolution is to authorize settlement of the case 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-1(27)****LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF JANET I. NALDA-LYONS; CLAIM 2011-035)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 24, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2011-035 OF JANET I. NALDA-LYONS" and transmitting a copy of the claim. The claim alleges damages arising out of an incident on May 24, 2011, at the Wahikuli Beach Park, Lahaina, Maui, when a rock propelled by a Toro mower operated by the County hit

Ms. Nalda-Lyons' left knee. The purpose of the proposed resolution is to authorize settlement of the case for \$28,444.28.

**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-2(41)            NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(LANAI PLANNING COMMISSION)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 15, 2012 (received August 16, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the appointments of Stuart Marlowe and Stacie Lee Koanui Nefalar to the Lanai Planning Commission, for terms expiring on March 31, 2017, to fill existing vacancies due to the resignation of Michael Lopez and the expiration of a member's term on March 31, 2012, respectively.

**STATUS:** The Council must approve or disapprove the nominations by October 15, 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.

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