

POLICY COMMITTEE RECEIVED
Council of the County of Maui

2012 OCT 25 AM 10:23

Meeting Agenda

**OFFICE OF THE
COUNTY CLERK**

Wednesday, October 31, 2012

9:00 a.m.

**Council Chamber, 8th 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(44)

**NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY GRANTS REVIEW COMMITTEE)**

DESCRIPTION:

The Committee is in receipt of correspondence dated September 24, 2012 (received September 24, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY GRANTS REVIEW COMMITTEE", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of E. Gayle Long to the Maui County Grants Review Committee, for a term expiring on March 31, 2015, to fill an existing vacancy due to the resignation of Richard Nishihara.

MORE →

STATUS: The Council must approve or disapprove the nomination by November 23, 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-3(5) HAWAII STATE ASSOCIATION OF COUNTIES (“HSAC”) (2013 HSAC LEGISLATIVE PACKAGE)

DESCRIPTION: The Committee is in receipt of correspondence dated October 25, 2012, from Councilmember Joseph Pontanilla, Treasurer, Hawaii State Association of Counties (“HSAC”), transmitting a proposed resolution entitled “APPROVING PROPOSALS FROM HAWAII COUNTY, KAUAI COUNTY, AND THE CITY AND COUNTY OF HONOLULU FOR INCLUSION IN THE 2013 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE”. The purpose of the proposed resolution is to approve for inclusion in the 2013 HSAC Legislative Package the following State bills or resolutions:

1. A proposed bill entitled “A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT BRANDING AND COUNTRY OR REGION OF ORIGIN LABELING”. The purpose of the proposed bill is to amend Chapter 486, Hawaii Revised Statutes (“HRS”), relating to branding agricultural products and labeling them with the country or region of origin, to protect Hawaii’s regional crops and the growers’ investment in those crops.
2. A proposed bill entitled “A BILL FOR AN ACT RELATING TO THE DEFINITION OF INDIGENT AND PARTIALLY INDIGENT”. The purpose of the proposed bill is to amend Section 802-4, HRS, to include a concrete definition of indigency, establish a screening program for financial need and third-party review, and adopt a process to clearly delineate the circumstances in which court-appointed counsel is necessary, in order to promote fairness and consistency within the State judicial system.
3. A proposed bill entitled “A BILL FOR AN ACT RELATING TO GALLONAGE TAX ON LIQUOR”. The purpose of the proposed bill is to increase the gallonage tax on liquor by 30 percent, collect and transfer the additional revenue to the respective counties, and partially reimburse counties for the cost of handling crashes involving driving under the influence of an intoxicant.
4. A proposed bill entitled “A BILL FOR AN ACT RELATING TO FOOD LABELING” (Hawaii County’s proposal). The purpose of the proposed bill is to require the labeling of any food products or raw agriculture commodities that contain genetically engineered material or are produced with a genetically engineered material.
5. A proposed House Concurrent Resolution entitled “A RESOLUTION REQUESTING THE STATE OF HAWAII CHIEF ELECTION OFFICER AND ELECTIONS COMMISSION TO ESTABLISH A MECHANISM TO MONITOR THE COUNTIES’ READINESS TO CONDUCT AN ELECTION AND TO INTERVENE IF NECESSARY”. The purpose of the proposed resolution is to establish a proactive policy of monitoring each county’s readiness to conduct an election, to reduce the potential for future election-day issues.
6. A proposed bill entitled “A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE”. The purpose of the proposed bill is to require a prescription to purchase any product that contains pseudoephedrine.
7. A proposed bill entitled “A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY”. The purpose of the proposed bill is to create a cause of action against a person who maintains a property nuisance on residential property that results in damage or injury to the person or property of another.
8. A proposed bill entitled “A BILL FOR AN ACT RELATING TO VOTING”. The purpose of the proposed bill is to allow citizens to register to vote on election day.

9. A proposed Concurrent Resolution entitled "URGING THE UNITED STATES DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY, AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA". The purpose of the proposed resolution is to urge the U.S. Department of State, the Department of Homeland Security, and the U.S. Attorney General to ease visa restrictions for the People's Republic of China.
10. A proposed House Resolution/Senate Resolution/House Concurrent Resolution/Senate Concurrent Resolution entitled "URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX". The purpose of the proposed resolutions is to urge the Governor and the Legislature to maintain the counties' share of the transient accommodations tax ("TAT").
11. A proposed bill entitled "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES". The purpose of the proposed bill is to require that one of the five seats on the Board of Trustees of the Hawaii Employer-Union Health Benefits Trust Fund allocated to public employers be occupied by a member appointed by the mayors of all four counties and approved by the HSAC.
12. A proposed bill entitled "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM". The purpose of the proposed bill is to include county representation on the membership of the Board of Trustees of the Employees' Retirement System.
13. A proposed bill entitled "A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING". The purpose of the proposed bill is to establish an electronic waste recycling program to be administered by the State Department of Health.
14. A proposed bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS". The purpose of the proposed bill is to require that a portion of the fines and forfeitures from uncontested traffic infractions be transferred to the counties.
15. A proposed bill entitled "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES". The purpose of the proposed bill is to amend Section 196-6.5, HRS, to require that the buyer-owner of a new single-family or duplex home be the applicant for a variance allowing on-demand gas in lieu of a solar water heater.
16. A proposed bill entitled "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING CREDITS". The purpose of the proposed bill is to provide affordable housing credits to the Department of Hawaiian Home Lands, while maintaining the integrity of county housing programs and preserving the principle of "home rule".
17. A proposed bill entitled "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION". The purpose of the proposed bill is to repeal Chapter 171C, HRS, which established the Public Land Development Corporation.

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. The Council previously adopted Maui County's proposal for inclusion in the HSAC Legislative Package by Resolution 12-95.

POL-59

ABOLISHING THE PUBLIC LAND DEVELOPMENT CORPORATION

DESCRIPTION: The Committee is in receipt of County Communication 12-215, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "URGING THE 2013 HAWAII STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION". The purpose of the proposed resolution is to urge the 2013 Hawaii State Legislature to repeal Chapter 171C, Hawaii Revised Statutes, to abolish the Public Land Development Corporation, the land development arm of the State Department of Land and Natural Resources.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 12-215 and other related action.

POL-1(29) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHANA PARTNERS I, LLC, TAX APPEALS 10-1-0051 AND 11-1-0036)

DESCRIPTION: The Committee is in receipt of correspondence dated October 15, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF THE TAX APPEALS OF KAHANA PARTNERS I, LLC, CASE NO. 10-1-0051 AND CASE NO. 11-1-0036” and transmitting a copy of the Notices of Appeal for each. The two real property tax appeals allege that the County of Maui improperly assessed the value of Kahana Partners I, LLC’s real property. The purpose of the proposed resolution is to authorize settlement of the tax appeals.

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:121031:cmn