

POLICY COMMITTEE
Council of the County of Maui

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Meeting Agenda

Wednesday, December 19, 2012
10:00 a.m.

**OFFICE OF THE
COUNTY CLERK**

MEETING SITE: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

**REMOTE TESTIMONY SITES: Hana Council District Office, Hana Community Center,
5091 Uakea Road, Hana, Hawaii
Lanai Council District Office, Lanai Community Center, 8th Street, Lanai
City, Hawaii
Molokai Council District Office, 100 Ainoa Street, Kaunakakai, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 site, 16 copies are requested to ensure distribution at the meeting.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of Council Services prior to the meeting. While oral testimony is being received, the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

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(45) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES)**

DESCRIPTION: The Committee is in receipt of correspondence dated December 11, 2012 (received December 12, 2012), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Kealoha Laemoa to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2014, to fill an existing vacancy due to the resignation of Ramoda Anand.

STATUS: The Council must approve or disapprove the nomination by February 10, 2013, 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-1(23) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated November 16, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL BINGHAM MCCUTCHEN, LLP IN HAWAII WILDLIFE FUND ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK" 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. The purpose of the proposed resolution is to authorize the employment of Bingham McCutchen, LLP, as special counsel in the case, for a total compensation not to exceed a flat fee of \$250,000.
2. Correspondence dated December 12, 2012, from the Department of the Corporation Counsel, concerning the possibility of replacing the law firm of Bingham McCutchen, LLP, with Hunton & Williams LLP, due to the recent employment changes of attorney Colleen Doyle.

STATUS: The Committee may discuss developments in the case, including Ms. Doyle's recent employment by Hunton & Williams LLP. 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.