

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

RECEIVED

Meeting Agenda

2013 FEB 19 PM 12: 32

**Monday, February 25, 2013
9:00 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/PIA>

VOTING MEMBERS

G. Riki Hokama, Chair

Donald G. Couch, Jr., Vice-Chair

Gladys C. Baisa

Robert Carroll

Elle Cochran

Stacy Crivello

Don S. Guzman

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

PIA-21 ACQUISITION OF 2005 NISSAN ALTIMA

DESCRIPTION: The Committee is in receipt of County Communication 13-67, from the Chief of Police, informing the Council of the acquisition of a 2005 Nissan Altima from the State Department of the Attorney General, pursuant to Resolution 90-82.

STATUS: The Committee may discuss the acquisition of the 2005 Nissan Altima, and related policy matters. The Committee may also consider the filing of County Communication 13-67, and other related action.

PIA-2(2) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated January 29, 2013 (received January 29, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's following nominees to various boards, committees, and commissions (for terms beginning on April 1, 2013, and expiring on March 31, 2018, unless otherwise indicated):

A. AFFIRMATIVE ACTION ADVISORY COUNCIL

1. Sunny Gutierrez;
2. Dorothy Buck; and
3. Anthony Arakaki.

B. ANIMAL CONTROL BOARD

1. Anthony Vargas, Jr. (Reappointment);
2. Lawrence Winer; and
3. Larry Shapiro.

C. BOARD OF ETHICS

1. Abel Kahoohanohano Jr.; and
2. Herman Nascimento.

D. BOARD OF VARIANCES AND APPEALS

1. Chadwick Fukunaga; and
2. Howard Seigo Kamealoha Kihune.

E. BOARD OF WATER SUPPLY

1. Cyrus Kodani (Reappointment); and
2. Thomas Watanabe.

F. CIVIL SERVICE COMMISSION

1. Alice Lee (Reappointment).

G. COMMISSION ON CHILDREN AND YOUTH

1. Noel Ching-Johnson;
2. James Wisthoff; and
3. Ciara Rodrigues.

H. COMMISSION ON CULTURE AND THE ARTS

1. Oliver Caberto; and
2. Jamie Clark.

- I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. Kala`e Tangonan.
- J. COST OF GOVERNMENT COMMISSION
 - 1. Rick Tanner (Reappointment), for a term beginning on 04/01/2013, and expiring on 03/31/2015;
 - 2. Gregory Evans (Reappointment), for a term beginning on 04/01/2013, and expiring on 03/31/2015;
 - 3. Sunny Gutierrez, for a term beginning on 04/01/2013, and expiring on 03/31/2015; and
 - 4. Adrienne Kawano, for a term beginning on 04/01/2013, and expiring on 03/31/2015.
- K. COUNCIL ON AGING
 - 1. Dionne Phillips;
 - 2. Rosie Poree-Hogin; and
 - 3. Tania Joao.
- L. FIRE AND PUBLIC SAFETY COMMISSION
 - 1. Robyne Nishida Nakao.
- M. HANA ADVISORY COMMITTEE
 - 1. Scott Paul Crawford (Reappointment); and
 - 2. Douglas Mardfin.
- N. LANAI PLANNING COMMISSION
 - 1. Beverly Zigmund; and
 - 2. Kelli Gima.
- O. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. Donald Fujii; and
 - 2. Wayne Pagan.
- P. LIQUOR CONTROL COMMISSION
 - 1. Darren Lopez; and
 - 2. Dana Souza.
- Q. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Janet Six.
- R. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Robin Ritchie; and
 - 2. Jenny Worth.
- S. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 - 1. Michael Maberry.
- T. MAUI PLANNING COMMISSION
 - 1. Sandra Duvauchelle; and
 - 2. Jason Medeiros.
- U. MOLOKAI PLANNING COMMISSION
 - 1. Sherry Tancayo (Reappointment); and
 - 2. William Buchanan III.
- V. POLICE COMMISSION
 - 1. Kevin Tanaka; and
 - 2. Howard Hanzawa.

W. REAL PROPERTY TAX REVIEW BOARD

1. Brent Johnson.

X. SALARY COMMISSION

1. Joseph Talon; and
2. Gail Kanetani.

STATUS: The Council must approve or disapprove the nominations by March 30, 2013, 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.

PIA-62

U.S. FISH AND WILDLIFE SERVICE PROPOSAL TO ADD TO THE FEDERAL ENDANGERED SPECIES LIST AND DESIGNATE CRITICAL HABITAT FOR MOLOKAI, LANAI, KAHOO LAWE, AND MAUI

DESCRIPTION: The Committee is in receipt of County Communication 12-236, from Councilmember Donald G. Couch, Jr., transmitting information (and compact disc) on a proposal from the United States Department of the Interior Fish and Wildlife Service ("FWS") to add 38 species to the Federal Endangered Species List, and to designate critical habitat for 135 species found on Molokai, Lanai, Kahoolawe, and Maui.

STATUS: The Committee may receive a presentation on the proposal from FWS representatives, and discuss related policy matters. The Committee may also consider the filing of County Communication 12-236, and other related action.

PIA-20

MAUI COUNTY GRANTS

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-120, from the Director of Housing and Human Concerns, transmitting a proposed bill to limit the role of the County's Grants Review Committee to advising the Mayor on requests for Community Partnership, Youth Center, Youth Program, and Culture and the Arts Grants; establish that advice to the Mayor on requests for Real Property Grants shall be provided by the agency that administers the property; and incorporate other adjustments to the County grants procedures.
2. Miscellaneous Communication, dated May 26, 2011, from the County Clerk, referring the matter relating to County grants and disbursements, including amendments to Chapter 3.36, Maui County Code, relating to the Maui County Grants Program, and the Budget and Finance Committee Chair's correspondence dated May 6, 2011, relating to the General Budget Provisions.
3. Miscellaneous Communication, dated May 25, 2012, from the County Clerk, referring the matter relating to a needs capacity and duplication of services study for all County grantees.
4. Correspondence dated February 4, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM". The revised proposed bill amends the procedures and administration of the Maui County Grants Program, including: specifying that all grants of County funds or real property are subject to Chapter 3.36; eliminating the grants review committee; and setting a maximum amount of total grant funds for any fiscal year, not to exceed five percent of the general fund for that fiscal year.

STATUS: The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 09-120, the Miscellaneous Communication dated May 26, 2011, and the Miscellaneous Communication dated May 25, 2012, and other related action.

PIA-1(7)

LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL 12-1-0812(2))**DESCRIPTION:**

The Committee is in receipt of correspondence dated February 1, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING FRANKLYN L. SILVA, JAMES D. LLOY, BILL D. PACHECO AND HARRY MATSUURA, SR. IN JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)", and transmitting a copy of the complaint. The complaint alleges, among other things, retaliation against Mr. Dobbs, a County employee, for reporting allegedly illegal behavior by employees of the Department of Liquor Control, constitutional violations, wrongful termination of employment, and damages. The purpose of the proposed resolution is to indemnify Franklyn L. Silva, Bill D. Pacheco, James D. Lloy, and Harry Matsuura, Sr., current and former County employees, in this 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)(2), Hawaii Revised Statutes ("HRS"), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; and Section 92-5(a)(4), 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.